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OCTOBER 1987 $2.95

CALIFORNIA Journal

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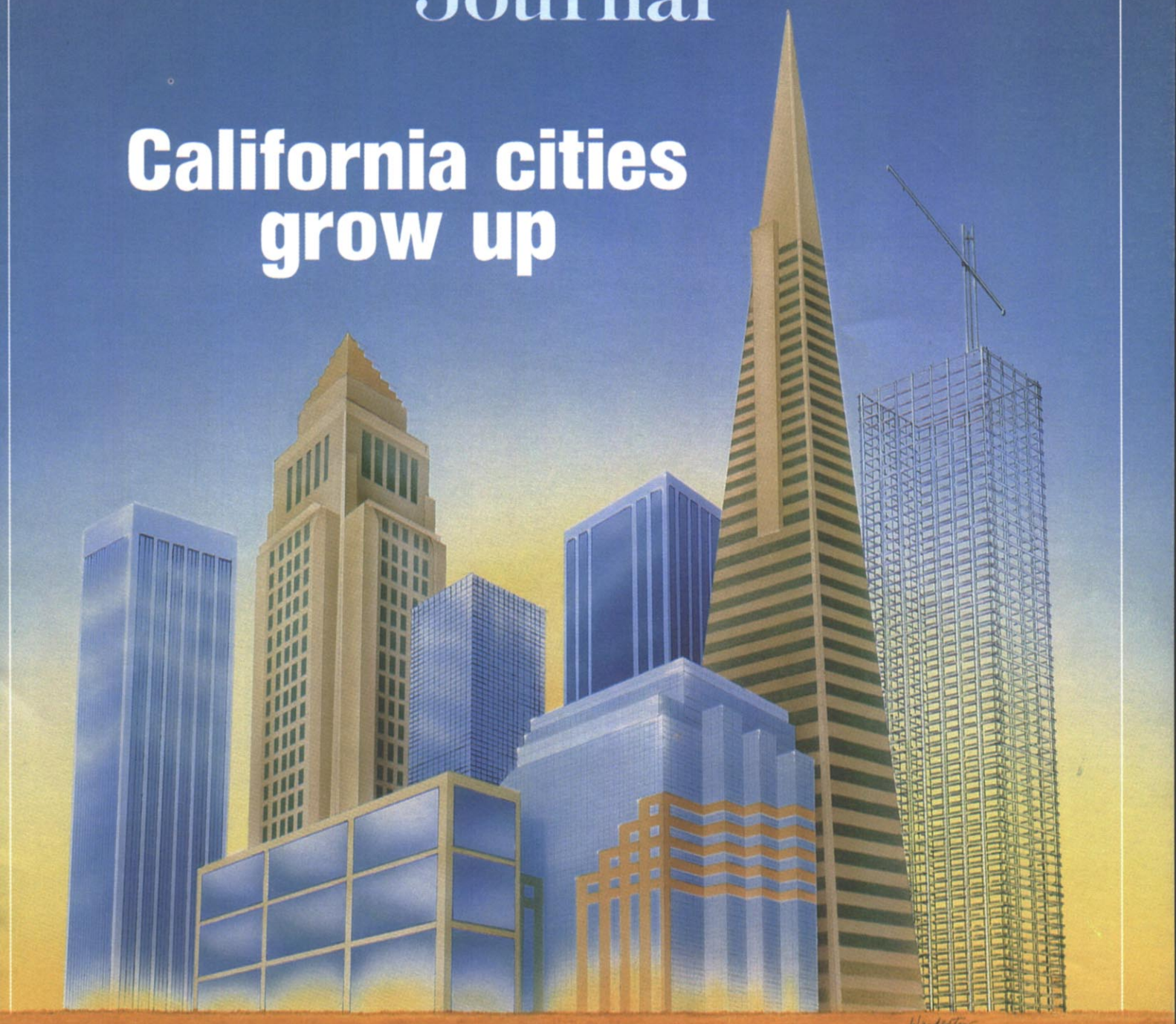

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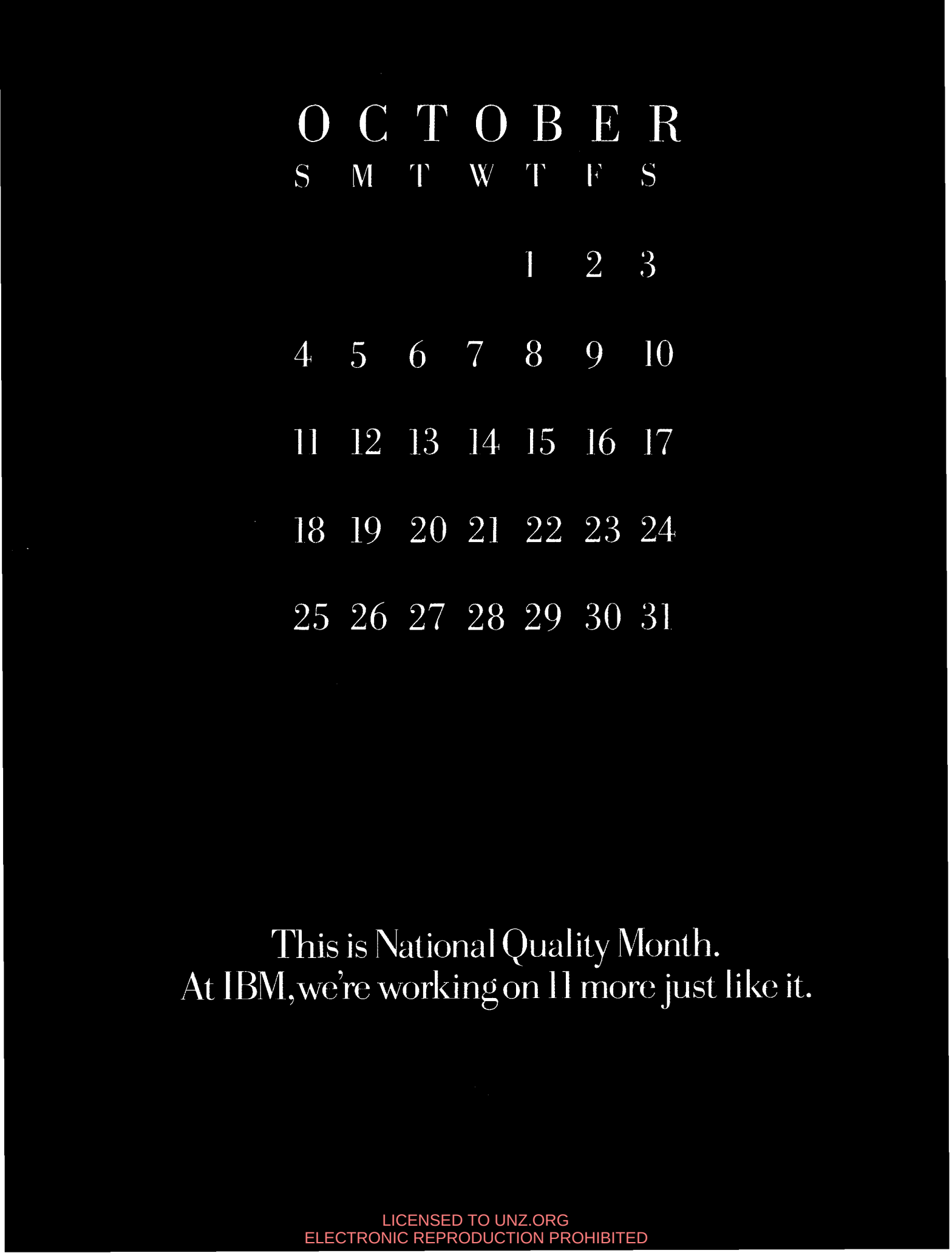
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CALIFORNIA Journal

VOLUME XVIII, NUMBER 10 OCTOBER 1987

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California's major metropolitan areas are overcrowded and congested with traffic, and state and local leaders must come up with solutions, fast. By Bill Boyarsky

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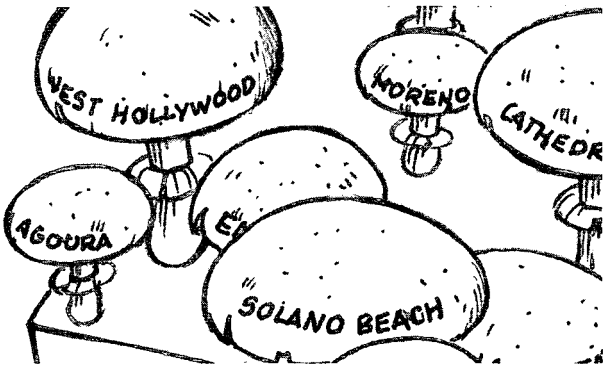

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UP FRONT

When dictionaries are outlawed. Assemblyman Larry Stirling has apparently decided to become the foremost defender of the noble institution to which he belongs. First, he defended his colleagues from the scurrilous press. Now, he has taken on the California Commission on Campaign Financing — which advocates restrictions on election contributions — because that group suggests all might not be right with the process of electing legislators. Stirling said the group had "piled verisimilitude on top of verisimilitude and have gestated an intellectual mouse." He added that he wanted no more of the group's "puerile and erstatz political science fiction." Can we say that in a family magazine?

Shoot the messenger department. We have had one complaint that the *Journal* is "sexist" because no women were included among Governor George Deukmejian's top advisors in last month's story on the new Deukmejian staff (see "The Duke steps out," *CJ*, September 1987). Just for the record, no women were included because during extensive interviews with gubernatorial advisors and observers, no one identified any women who might have influence with the governor. Also, for the record, the complaint came from the governor's office.

The tributes rolled on and on and on and on and on and on during a recent legislative memorial service for the late state treasurer, Jesse Unruh. Many of Unruh's old Assembly colleagues returned to the chamber to hear the former speaker roasted and toasted by Governor George Deukmejian, Lieutenant Governor Leo McCarthy, and legislative leaders past and present. Assembly Minority Leader Pat Nolan read a telegram from an old Unruh foe, Ronald Reagan, while an "Unruh desk" was placed on the Assembly floor and draped with black crepe. The scheduled service moved along briskly from eulogy to eulogy until Speaker Willie Brown, acting as master of ceremonies, opened the service to anyone who wanted to say a few words about Unruh. At that point, nearly every attendee seemed compelled to relate his or her favorite Unruh story — nearly three hours' worth of anecdotes.

The best line was delivered by former state Controller Ken Cory, a close friend to Unruh. After the governor announced that the treasurer's Sacramento headquarters (Office Building 1; OB 1, for short) would be renamed for Unruh, Cory declared that the name in fact had not been changed at all. "If you remember," he said, "the original name of that building was 'SOB number 1.'"

For want of a proofreader. One of the handouts at the Unruh service was a handsome memorial resolution passed by the Legislature. Written by former television reporter Bill Stout, the resolution traced Unruh's life and praised his achievements. It also contained an unintentional irony: "When the G.I. Bill of World War II gave him, as it did millions of others, the educational oppurtunity he never dreamed possible ..." Seems no one had the opportunity to read over the resolution before it was printed.

For want of another proofreader. Our article last month on Jesse Unruh contained a glaring error: We called Senator Alan Cranston a former state treasurer. Seven million loyal readers wrote in to scold us because Cranston actually had been state controller.

Town hall meeting, San Francisco-style. This November, San Franciscans will vote not only for a new mayor but for a plethora of ballot propositions — 23 in all. Five are bond issues to raise money for such things as a mental-health center and improvements to streets, sidewalks, schools and parks. Other measures make municipal decisions that run from the philosophical to the trivial: declare that the city's policy is to boycott companies doing business in South Africa; remove the county clerk from civil service; and increase the probationary period for sheriff's deputies from 12 to 18 months. The three most important measures could have dramatic impacts on the city's future: Proposition P provides for the district election of supervisors, a change from the current at-large system; Proposition W seeks advice from the electorate on whether the city should construct a downtown baseball stadium for the Giants; and Proposition U declares the city a nuclear-free zone and could affect home-porting of the battleship *USS Missouri* in San Francisco.

Carry a toy; go to jail. The Los Angeles County Board of Supervisors recently passed an emergency ordinance that treats toy guns the same as real guns if used to commit a crime, thus applying the state's existing "use a gun, go to jail" law to toys. The ordinance was proposed by Supervisor Kenneth Hahn who said he was concerned for children carrying toy guns in cars on LA's highly-volatile freeways. At first, Hahn wanted to ban the sale of toy guns anywhere in Los Angeles County, but that trial balloon failed to fly. After all, if cap pistols are outlawed, only outlaws will have cap pistols.

Number 11 — politicians. Democratic state Senator Art Torres of Los Angeles recently announced that the Senate would take a few minutes out of its busy session-ending schedule to honor actor Cheech Marin for his work on behalf of various charities and community groups. According to a press release issued by Torres' office, the senator "will present Marin a special Senate Plague." A fate worse than locusts.

Cover-letters-we-can't-wait-to-see department. Any Gann limit rebate of state taxes that results in a check being mailed to taxpayers will be signed by Controller Gray Davis.

Gray may need the help. The *Los Angeles Times* has reported that some of his former Assembly staff members are saying, at least to the *Times*, that they ran Davis' election campaign on state time. Davis says tain't so, but the charges are reportedly under investigation by Attorney General John Van de Kamp — an unbiased observer if ever we saw one. Van de Kamp just might be Davis' Democratic primary opponent in the next gubernatorial election.

Bruce Herschensohn doesn't want us to forget him. What, you have already? He's the latest in a long line of right-wing Los Angeles television commentators who think they should become elected officials. In Herschensohn's case, he wanted to run against Alan Cranston for U.S. senator, but Republicans picked Ed Zschau instead.

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Bruce finished second with 30 percent of the vote. Now Herschensohn is starting his own "forget-me-not" support group — "Leadership to Preserve America" — and it is publishing a newsletter — "Imperatives." A cover letter says the broadside is designed to "inform citizens of key national and international issues." In the inaugural edition, Herschensohn takes on that "key" international issue: Jane Fonda. What, you forgot about her, too? Take it from Bruce; Jane's bad.

Ghost voting, that fine, old Assembly tradition of recording someone's vote even though he or she is nowhere around, got a little out of hand during the closing days of the 1987 session. That's not unusual, but in this case, someone got caught. The *San Francisco Chronicle* reported that Democratic Assemblyman Art Agnos voted several times (including for two bills where his vote provided the margin needed for passage) while he was, in fact, on an airplane bound for Los Angeles where the would-be San Francisco mayor was to attend a meeting of a Greek-American business and professional group. Still, things are better than in the old days. Before the Assembly moved back into its restored chambers, members could vote by placing a heavy object on top of their "yes" button. That way, they would be recorded as voting for each bill every time the role was called. Now, someone has to actually push the button after each roll is opened.

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." so rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.*

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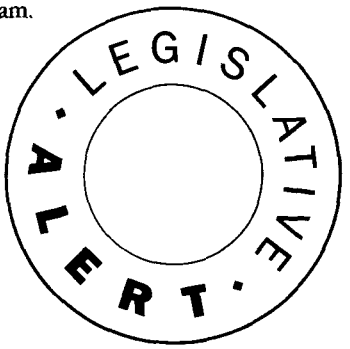

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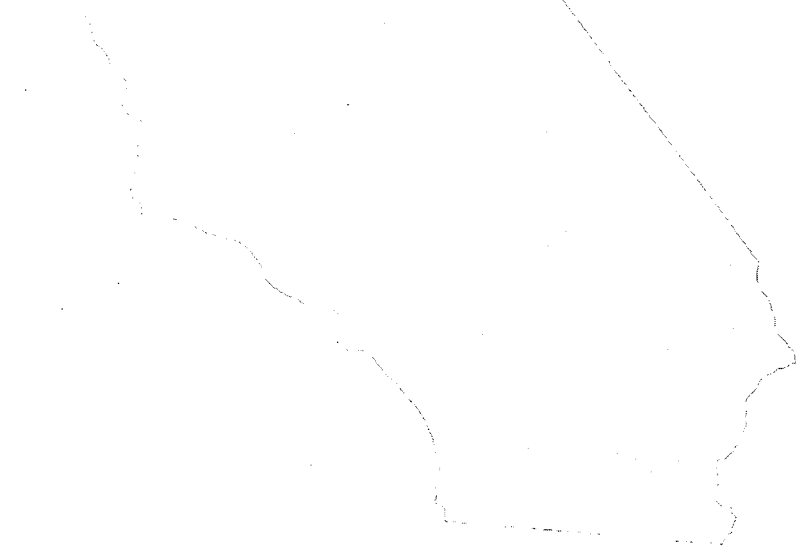

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ROSTRUM

Earthquakes

As executive director of QuakeSafe, the only non-profit agency in Southern California dedicated to grassroots earthquake safety education, I read your recent article on earthquakes (see "Quake," *CJ*, August 1987). Our main concern is for the safety of school children. The 1971 Sylmar and 1983 Coalinga quakes — both considered moderate — caused much non-structural damage in schools. Had either quake struck during school hours, countless lives would have been lost. By educating students, teachers and administrators, QuakeSafe believes that human suffering and property losses can be reduced.

In 1986 QuakeSafe received a total income of just under $65,000, including a $20,000 seed grant from the California Community Foundation. With this money, we produced five disaster-planning workshops for educators, developed a classroom earthquake safety program for fourth-through-sixth graders and presented this program to over 1500 children. We also developed a full-color planning guide that won high praise from the state Seismic Safety Commission's education committee.

So far this year, we have raised less than $25,000 toward a 1987 budget of $102,400. Schools can't pay for our services. We receive no government funding. (Your article correctly places "public information" last on a list of the six main areas of concern as defined by the state's five-year earthquake readiness plan.) Proposals to philanthropic foundations usually fall with a thud. One such organization, which focuses on children in need, rejected a grant request because "we don't have any children who have yet suffered from this event."

Will the "big one" come to Southern California? Most definitely. Will it hit during school hours? There is a 25 percent chance that it will. Will there be casualties among the children? Yes. Are some of these preventable? Yes. Will they be prevented? After four years of hitting our heads against the wall, we're beginning to doubt it.

FERNE HALGREN
Executive director
QuakeSafe
Los Angeles

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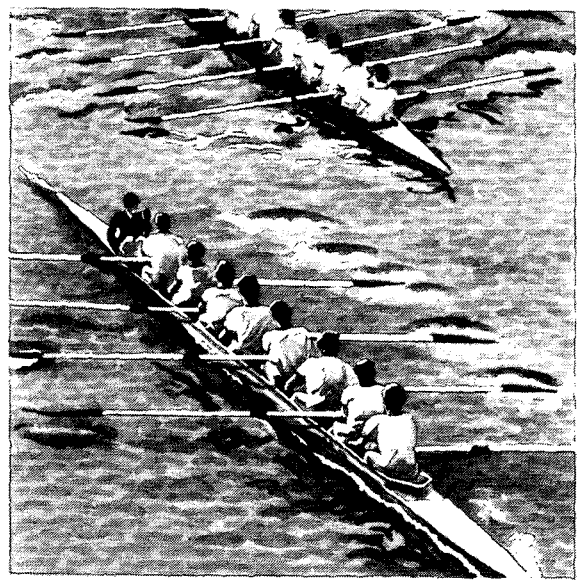

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CITI

State's urban areas come of age

By BILL BOYARSKY

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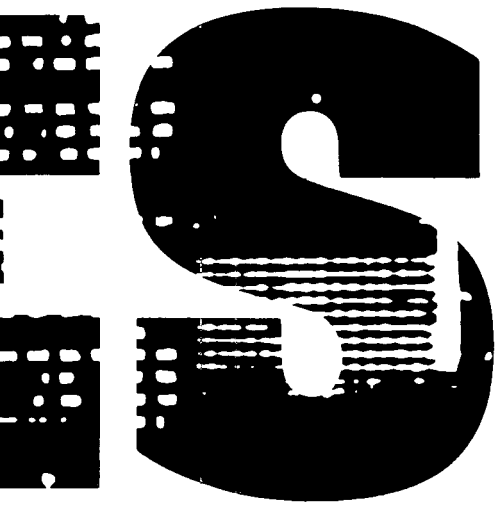

On the frequent mornings when the San Diego Freeway is packed, attention of motorists crawling north from Los Angeles International Airport is often captured by an odd-shaped office building bearing the well-known corporate name "Wang" and looking like a top-heavy ocean liner marooned on a vacant lot.

The idea of designing an office building to look like a liner is not especially noteworthy in Los Angeles, long accustomed to restaurants shaped like hot dogs or derbies. But the Wang building is more than a particularly large example of Los Angeles film-set architecture. It is a monument, potentially as important to the city's history as other reminders of Los Angeles' political past, such as the Times-Mirror building where big civic decisions used to be made; the aqueduct, which brought in the water that made the city possible; and City Hall. The Wang building, along with the freeway and the airport, illustrates the problems facing all of California's cities as the 21st Century approaches.

Construction of the building, part of a series of developments on vacant land reaching from the freeway to the beach, heated up a local debate common to other California cities and suburbs: How to balance growth, propelled by powerful economic forces, against peoples' desire to preserve the peaceful neighborhoods that first drew them to Los Angeles, San Diego, Sacramento, Fresno and the San Francisco Bay area.

The freeway, crowded much of the time, is an example of the state's aging urban infrastructure, which includes roads, sewage systems and other facilities.

The airport, also crowded, illustrates the increased trade, much of it with Pacific Rim nations, that is fueling urban growth. And the airport is where thousands of immigrants first step onto United States soil as part of the great immigration that is changing the nature of California's urban population.

These urban issues — growth versus slow growth, immigration and aging infrastructure — are expected to be at the top of the list of the state's big problems during the next few years.

"California continues to be the most metropolitan state in the union by a long shot," said Stephen Levy, senior economist for the Center for Continuing Study of the California Economy. "If you are thinking about the problems of the state in the long range, you have to think about the major metropolitan areas. It is where the growth is and, even more important, where the immigrants are coming. So if you associate these populations with the state's major policy issues, then the policy domain will continue to be an urban one."

"A number-one policy issue is how you pay for the infrastructure," he said. "A second issue is California has an increasingly technological economy. We are also the number-one state for immigration, for immigration from countries that have a somewhat lower educational level than ours. So how can this state, which has built itself around technology, train the people coming in."

Continued on next page

Bill Boyarsky is bureau chief of the Los Angeles Times *city-county bureau.*

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California's role as an urban state is relatively new. Forty years ago, post-World War II immigrants from other states came to California to escape the urban life of the Midwest and East. Even two decades ago, there were only two urban centers in the state, Los Angeles and San Francisco, with San Diego, then a Navy town with an up and down aerospace industry, racing to catch up. Orange County was just beginning the growth that made it the first urbanized suburb.

The picture has changed. San Francisco has declined as a major financial and corporate center. Mayor Diane Feinstein was so concerned about the perception of decline that she wrote an article for the *Los Angeles Times* saying "There has been a rash of San Francisco bashing in the media lately and it's time to set the record straight...Like reports of Mark Twain's death, the stories of San Francisco's economic decline are greatly exaggerated."

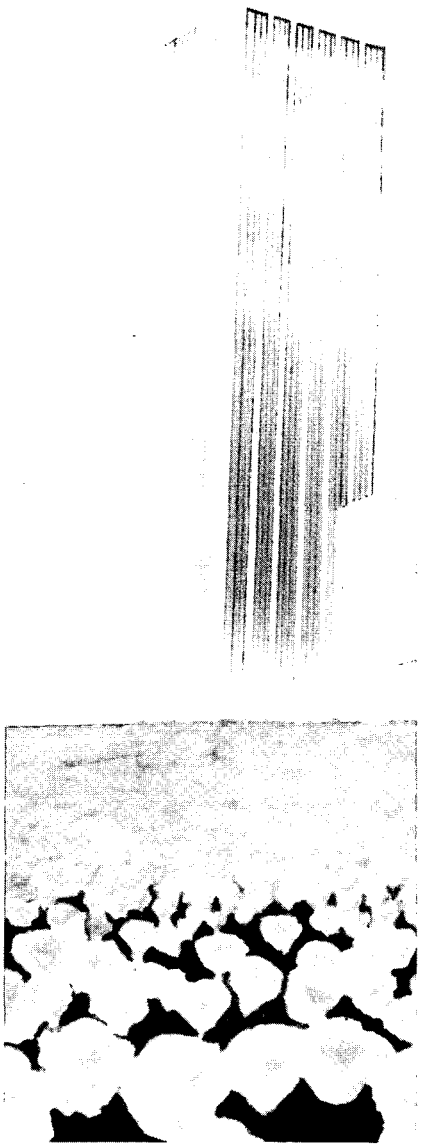
But Feinstein also said, "San Francisco, like many cities, is grappling with a loss of jobs to the suburbs," adding that "We are working successfully to stem the tide." That job exodus has made urban areas of once-peaceful, semi-rural suburbs south of San Francisco and in Contra Costa County to the east. Even isolationist Marin County to the north must contend with rampant urbanization.

Urban Northern California is reaching out. The small Contra Costa County town of Hercules saw its population rise to an estimated 11,620 this year, a 15.3 percent increase from 1986. Homes for Bay Area workers are being built in farm fields around Tracy. Stockton and Modesto are seeking industry to make up for declining agriculture. Fresno, once almost entirely dependent on agribusiness, has a more diversified economy and finds itself balancing demands for growth against preservation of some of the city's small town peacefulness. Sacramento, no longer a quiet capital city, is now center of a metropolitan area with a population of more than a million — enough people to cause rush-hour freeway jams. Once tiny Folsom, on the eastern edge of Sacramento County, now has a population of more than 19,000.

In 1960 San Diego County's population was just over a million. Demographers project it will rise to more than 2.8 million by the end of the century and 3.5 million by 2020. Debate over this growth dominates local politics. On one hand, water districts, influenced by land developers, are trying to increase the city's water supply to maintain residential, commercial and industrial growth. On the other hand, San Diego residents have been hostile to growth for years, approving a series of slow-growth measures.

Although local circumstances — history, geography, the economy and ethnic composition — shape each of the urban areas' experiences, they have much in common.

There is a place where these experiences are so intense, the problems so great and the political atmosphere so overheated that one has to conclude it is the ultimate laboratory for present and future California urban life. That place is Los Angeles and the suburbs that sprawl out from the city. There, once modern sewage disposal and freeway systems are now old and inadequate, the air is foul and political life is hot with combat between those on the top rungs of the economic ladder and those climbing their way up. For an aficionado of urban strife, there is no finer place to be.



The bleak view of Los Angeles' future was portrayed in the film "Blade Runner," which showed a city teeming with Third World immigrants, elbowing their way through overflowing streets, breathing contaminated air as thick as tule fog. And, projections by the area's major planning agency, the Southern California Association of Governments (SCAG), clearly point out the danger of "Blade Runner" coming true.

Even if every air-quality-control plan were implemented, for example, air pollution would be substantially higher than allowed by federal standards. "Projected growth in the South Coast Air Basin over the next 25 years will lead to continued postponements of attaining air quality standards, unless more stringent controls are adopted," SCAG reported last March. "The air quality impacts of...growth present greatly increased challenges to those responsible for effecting air quality improvements. The basin must seek new resources, lobby for needed mandates, strengthen political will, and develop new partnerships if it is to address the air quality impacts of growth."

Traffic on Los Angeles city streets, especially downtown, on the Westside and in parts of the San Fernando Valley, has increased tremendously with the construction of many new high-rise buildings. Because of neighborhood opposition, or just plain lack of space, few Los Angeles streets can be widened. The Los Angeles County Transportation Commission predicted "quiet neighborhoods will be swamped by motorists looking for faster routes. Rush hour will truly come to each of our doorsteps." The crowded streets have contributed to what traffic engineers see as growing lawlessness on the streets. In a study of Los Angeles traffic last April, *Los Angeles Times* reporter Kevin Roderick wrote, "The increasing traffic pressure of daily life has turned the streets of Los Angeles a little meaner. The social contract that persuades most people to stop at red lights and give way to pedestrians is losing its grip, turning

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the streets into a free-for-all with deadly results." On freeways throughout the basin, law enforcement officers say desperation has contributed to violent and irrational behavior, with armed motorists opening fire on other vehicles.

Areawide, SCAG said "average daily speed on the entire (freeway) network is predicted to drop from 35 m.p.h. in 1984 to 19 m.p.h. in 2010...by 2010 there will be five times as much congestion regionwide."

Waste disposal seems an insoluble problem. By 1997 Los Angeles will have no landfill areas for solid waste disposal. Orange, Ventura and San Bernardino counties will run out of space before then, SCAG predicted. City failure to spend the money to modernize the sewage system in the 1970s now has left Los Angeles at the mercy of an outmoded disposal system and a treatment plant that often pollutes Santa Monica Bay.

And yet SCAG figures show the growth will continue. Even if the new immigration law sharply reduces illegal immigration, legal immigration — America's largest since the early 20th Century — will continue to boost population, as will the high birth rates of immigrants who have already arrived.

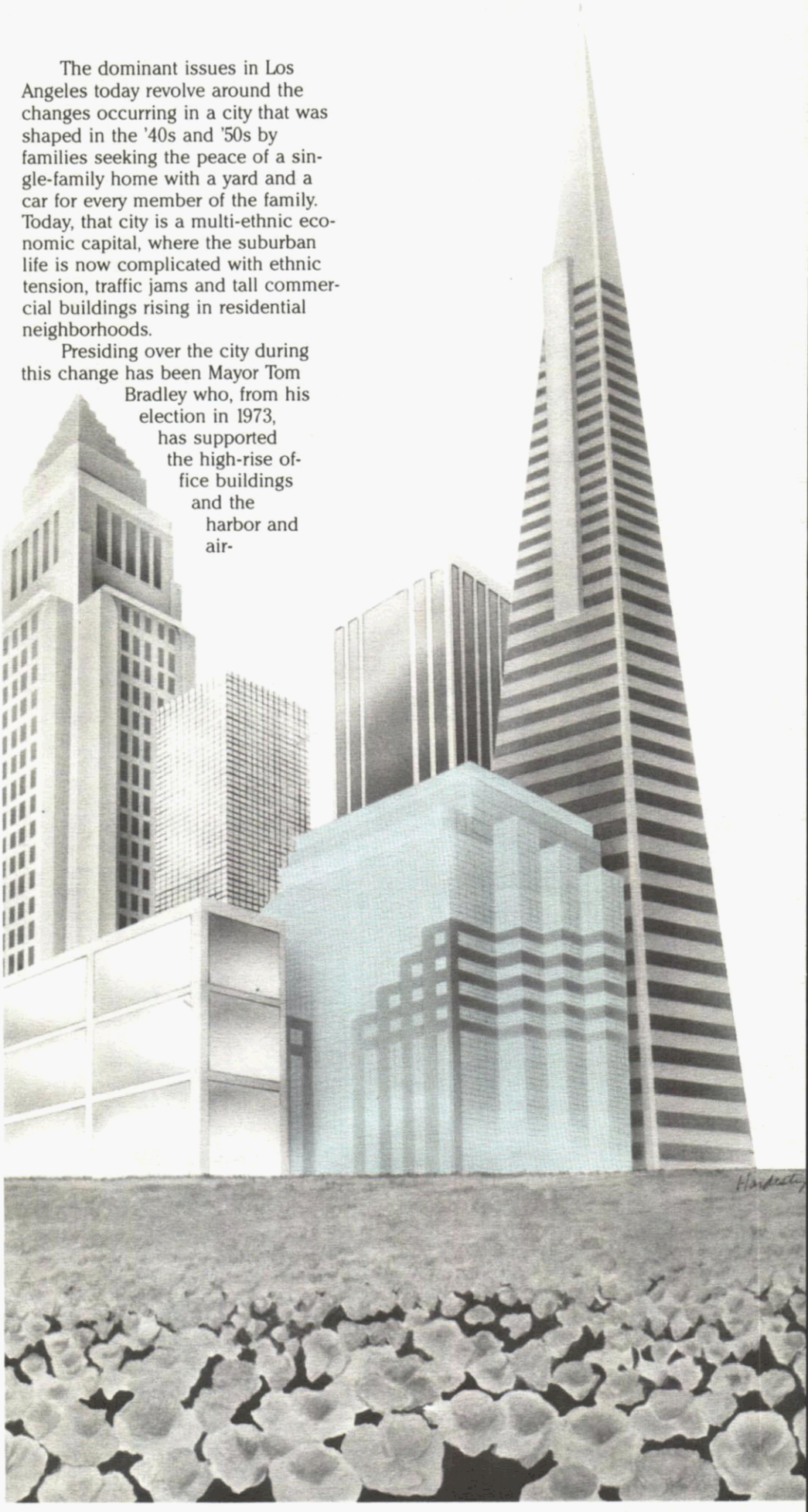
"By 2010, the population (of the six Southern California counties represented in SCAG) is expected to grow to 12.4 million from 14.4 million in 1984 — a 47 percent increase and about 5.9 million additional people," the report said.

No rational person believes these problems can be solved by the confusing levels of government that control the basin. This is a political system, after all, that gave birth to a state-county-city Los Angeles Memorial Coliseum Commission that recently became sports giveaway champion by letting a fourth major league team, the football Raiders, get away. Responsibility for water, transportation, welfare, education, law enforcement and health are split between so many levels of government that even experts find it impossible to explain the system to visitors.

But it is possible to grasp at least the outlines of the immensity of the area's difficulties by focusing on the biggest and dominant political subdivision, the City of Los Angeles, where the controversies center on well-known personalities and are centered in famous neighborhoods.

The dominant issues in Los Angeles today revolve around the changes occurring in a city that was shaped in the '40s and '50s by families seeking the peace of a single-family home with a yard and a car for every member of the family. Today, that city is a multi-ethnic economic capital, where the suburban life is now complicated with ethnic tension, traffic jams and tall commercial buildings rising in residential neighborhoods.

Presiding over the city during this change has been Mayor Tom Bradley who, from his election in 1973, has supported the high-rise office buildings and the harbor and air-



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port expansion that spurred the growth.

Economically, that growth has benefited the city and the county. The Los Angeles Economic Roundtable, composed of business, academic and government economic experts, reported that employment in the county "grew by 29.9 percent in the period 1972-1984. Compared to other major urban areas, Los Angeles has been the biggest job producer in the nation, adding 846,600 jobs."

But the economic growth has not benefited all. The Southern California Association of Governments noted a "continued trend away from a manufacturing-based economy to a service-based economy, which is characterized by a greater emphasis on high-skilled jobs." The loss of basic manufacturing jobs caused by the closure of tire and auto plants in South Central Los Angeles threw thousands out of work. Experts say such low-skilled workers, adrift in a more complex economy, are part of the growing number of homeless on the streets of Los Angeles.

Nor has the growth brought political prosperity to Bradley and some of his growth-minded supporters on the Los Angeles City Council. Continued construction of commercial buildings in residential neighborhoods on Los Angeles' West Side and in parts of the San Fernando Valley sparked a popular revolt against the administration and the council majority that resulted in voter approval in 1985 of Proposition U, a ballot measure that limited commercial construction. The following year, construction of the controversial Wang building near the San Diego Freeway, plus plans for other commercial structures, helped defeat Bradley's closest council ally, Council President Pat Russell.

A *Los Angeles Times* poll in June asked 923 city residents to rate the mayor as a problem solver. They were asked: "Do you think Mayor Bradley or some other mayor is the best person to solve" a range of problems?

A total of 41 percent said another mayor would be best to solve the development problem, compared to 26 percent who picked Bradley. Bradley lost on traffic, 36 percent to 24 percent, and on pollution, 39 percent to 30 percent. Only in the area of public transit did he get a vote of confidence, 38 percent to 33 percent.

A disturbing aspect of the survey was the strong racial divisions that it showed feelings toward a Black mayor who had been elected as a symbol of racial reconciliation eight years after the Watts riots.

For example, on the development issue, whites, 50 percent to 19 percent, said someone else could do better. Of white voters, Jews, traditionally among Bradley's strongest supporters, chose "another mayor" 60 percent to 10 percent. Blacks favored Bradley 34 percent to 33 percent and Latinos opposed him 35 percent to 31 percent. The figure for Blacks was certainly not a ringing endorsement, but the Black and Latino totals showed far less discontent in the minority communities.

To a great extent, these divisions were largely economic class differences since whites tend to be higher on the economic scale than minorities.

Just as disturbing is the fact that the number of white affluent voters is increasing at a greater rate than voters from the city's fast-growing, nonwhite immigrant population, who do not turn out at the polls in substantial numbers. That finding, from a study for the *Los Angeles Times* by Bruce E. Cain, professor of political science at Caltech, raised concerns about the future in a city where the needs of a rapidly growing minority population may not be represented by officials who owe their future to a largely white, middle-class electorate.

The nature of the electorate, recent elections and public opinion polls are clearly influencing policy at City Hall. In August, the mayor ordered a speedup in plans to have citizens' advisory boards help write neighborhood plans that would limit growth in some areas. Previously, he came out against a proliferation of mini-malls in residential neighborhoods and ordered the planning commission to make it tougher to build high-rise commercial buildings in such areas.

Other cities are feeling the same pressures, and their officials, faced with the same political divisions, are trying to work out solutions. But it is increasingly clear that the real answers will have to be found in Sacramento, a chilling thought to those who have watched a Legislature and governor struggle to agree on how to control toxic wastes or even on something as seemingly simple as building new prisons.

But, in the opinion of experts, state officials cannot escape these urban problems as they have tried to do in the past by invoking that meaningless old California cliche of "home rule." The state's geographical and economic position dictates it will become more of a commercial center of the Pacific Rim, with the need for bigger airports, and more commercial buildings, all of them infringing on residential neighborhoods. Population growth, much of it from new immigrant stock, will continue. The streets and highways and waste-disposal facilities will become more inadequate, and air pollution will increase, just as is happening in Los Angeles. The fact that the problems are so big, and so similar, leads to the inevitable conclusion that the state must act.

Kevin McCarthy, a Rand Corporation demographer, and other experts have concluded that now — in the late 1980s — is the time for the state to rebuild its physical infrastructure to handle the economic growth and its intellectual infrastructure — schools — to assure that the new Californians will have the skills to work in the increasingly technologically oriented economy.

This is the time, McCarthy said, because the most productive portion of the population, the baby boomers, are now in their most productive years — able, and possibly willing, to support the state expenditures needed to build roads and schools.

"The dominant factor will be the movement of the baby boomers through the population," he said. "The baby boomers are now well into their working years and if you assume peak productivity is between 40 and 55, and take 1960 as the peak of the baby boom, they will approach retirement after the turn of the century. After 2005, they will be in retirement. So between now and the turn of the century you are better situated than later in dealing with the infrastructure and to face how you will train the next generation of workers, from foreign stock."

This is work for Sacramento. The changing California cities can do much through zoning and creative planning to minimize the harm growth will do to a state whose natural resources and beauty have always been its great attraction. But the real work of rebuilding for the 21st Century must be done by legislators and governors, who will face the same political obstacles now confronted by their colleagues in city halls and county buildings.

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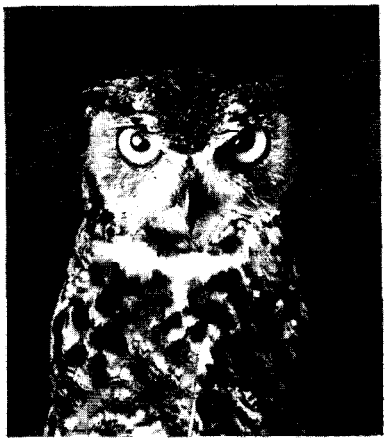

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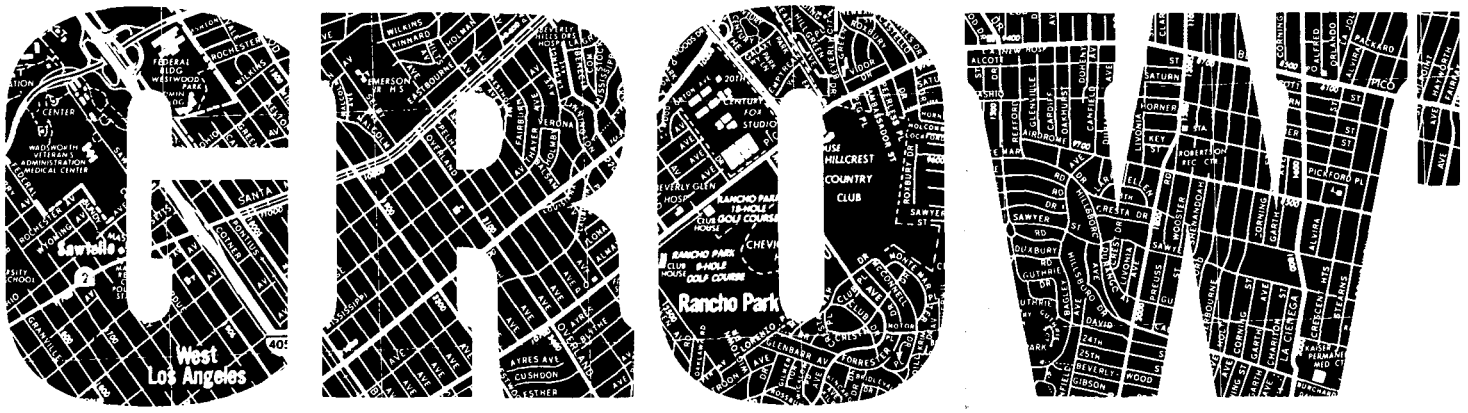

The cautious approach is politically popular

By ELAINE LAFFERTY

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"Slow growth" — a phrase that has struck fear and contempt into the hearts and pockets of big developers, trade unions, and real estate interests.

For neighborhood groups and community activists, it's a rallying cry that has come to symbolize one of the most successful organizing tools in decades, a galvanizing force for a disparate range of not-in-my-neighborhood types such as homeowners, environmentalists and watchdogs for local school systems.

Some urban planners are quick to point out that the term really means "controlled," "moderate," "reasonable" or "planned" growth. Whatever the proper definition, "slow growth" is the latest fast-track issue on the "quality of life" agenda — cleaner air and water, less traffic and uncongested freeways, uncrowded schools; all savored in a pleasant, quiet, aesthetically desirable purlieu (preferably with a sunny 360-degree unobstructed view) in which to raise happy, peaceful families.

No, this is not a depiction of another century or another place. It's California in 1987, and it represents the concerns of voters tired of urban sprawl and increasing numbers of high-rise buildings. They've formed groups with names like "Not Yet New York" and even "Not Yet L.A."

Kenneth Topping, Los Angeles' director of planning, says a number of slow-growth leaders are immigrants from New York, Chicago, Philadelphia and other big cities. "That's what they moved away from. They don't want to see that here," he says. According to "Trends in Local Growth Control Ballot Measures in California," a study by Madelyn Glickfeld and Leroy Graymer, between 1971 and 1986, there were 132 local slow-growth ballot measures in California. Between 1985 and 1986, 45 measures went before the voters. That's nearly triple the number identified in any other year since 1971. Land-use planning via the ballot box began in Northern California. Between 1971 and 1986, 89 ballot planning-measures were voted on in the north, compared to only 43 in Southern California.

San Francisco has seen seven measures, more than any other local jurisdiction. Six were related to the same issue — the amount and scale of commercial office development. The first five measures (1971, 1972, 1979, 1983 and 1985) were defeated. The sixth, Proposition M on the November 1986 ballot, succeeded. A seventh measure, Proposition N on the November 1986 ballot, provided a moratorium on the development of on-shore facilities to service off-shore oil.

Eighteen other cities and six counties had at least two ballot measures during this time. The city of Livermore, Santa Barbara County and Sonoma County each had four ballot measures over the last 15 years.

Not only are more and more of these ballot measures appearing across the state, they are being approved by voters as well. This increased success rate in recent years is evidence alone that the slow-growth movement is coming into its own.

Continued on next page

Elaine Lafferty is a Los Angeles writer on leave from her post as a City Hall reporter for City News Service.

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For example, between 1971 and 1985, voters passed 44 of 79 ballot measures (56 percent) that dealt strictly with growth control. But in 1986, 27 of 38 growth-control measures were approved on various ballots, a 71 percent success rate.

In San Francisco, the "anti-growth movement is the most dramatic trend for developers since the environmental movement of the 1970s," Amit Ghosh, the city's chief of comprehensive planning, told *California Business* magazine.

"It started with the initiatives in the '70s," says Ghosh. Though defeated, "the margins got closer and closer," until the narrow passage of Proposition M. "The initiatives have matured through the years. Prop M was very sophisticated," Ghosh says.

According to Ghosh, the encroachment of office buildings into residential neighborhoods was the primary concern for voters, not traffic congestion. "Traffic is an experience here. That's been part of San Francisco forever. Congestion is part of what makes San Francisco what it is. That in itself is not bad." The problem, says Ghosh, was that congestion was spreading into other areas.

To combat the problem, Prop M cut in half the city's prior cap of 950,000 permissible square feet of office construction. Among other goodies lurking for developers: a $13-plus-per-square-foot fee on commercial developments to pay for housing construction, transportation, open spaces and child-care facilities; and a percentage of total construction costs for public art.

For San Francisco and for other municipalities, the tricky part is allowing economic growth while constraining commercial development. "How much (commercial) growth is needed to sustain prosperous growth?" asks Ghosh.

If San Francisco has been the cutting edge, it may soon be eclipsed by the slow-growth gusto exploding in Los Angeles. If Los Angeles is a city of fads, as some say, then slow growth is to political issues what trendy Spago is to restaurants — everyone wants to get in and be seated at a see-and-be-seen table.

For much of his 16-year term, Los Angeles Mayor Tom Bradley has been the rah-rah leader of civic boosterism, the champion of the business and development community. He promised a downtown skyline of high rises, and he delivered. He promised that Los Angeles would become the economic gateway to the Pacific Rim, and he delivered. All seemed well.

But in the Spring of 1986, seemingly from nowhere, Councilmen Zev Yaroslavsky and Marvin Braude brought forth a slow-growth doctrine — Proposition U, signed by 105,000 voters after a well-publicized petition drive. Approved by at least 60 percent of voters in every city council district, the measure cut in half the amount of floor space allowed in future commercial buildings built on three-quarters of the city's commercially-zoned land.

Bradley insists he did not oppose or support Prop U. But it was obvious that he didn't like the idea. Part of the reason was its source, Yaroslavsky — LA's ambitious guru of *haute politic* who is raising money to run for mayor in 1989. Slow growth is his platform. Bradley is fighting back with a style reminiscent of Jerry Brown after Proposition 13 in 1978: He has embraced nearly every planning reform proposed by Yaroslavsky and Braude yet staunchly says his positions do not align him with the slow-growthers.

For his part, Yaroslavsky dismisses the notion that he decided to make political hay of the growth issue only after he amassed a developer-donated campaign war chest of $1 million. Under the city's campaign-finance law, the money cannot be used for the mayoral election. But it can be spent on those snazzy, name-building initiative campaigns.

"I'm not ideological about the subject," Yaroslavsky says. "Land use has been the preeminent issue for years. In 1975 it was the preservation of hillsides; then, height limits. If I had authored an initiative in 1975, it would have passed."

Yaroslavsky denies that the fervor for slow growth is a thinly-disguised reaction to the hordes of undocumented Hispanics arriving in Los Angeles, as well as to prospering Asians who seem to operate most of the much-maligned mini-malls. He says growth control isn't a new twist on the old "save the neighborhood."

"There has always been a negative attitude toward immigrants. That's not what this is about. It's about traffic,"

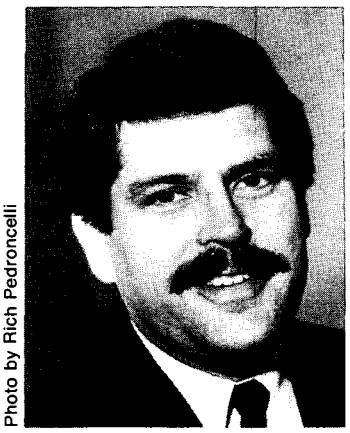

Photo by Rich Pedroncelli

Yaroslavsky

Gotch

Yaroslavsky says.

Perhaps, but the ideological leader of the city's slow-growth movement is more blunt. "This is the end of the urban frontier," says Laura Lake, a professor of environmental studies at the University of California at Los Angeles. "It has been reached. There is a limit to how many people and cars the air basin can take. California has been immature in its ability to plan," she says. "The city of LA has to take care of itself. If that affects people who want to come here, that is a separate issue."

Lake, citing statistics that show the lung capacity of city school children to be 15 percent less than the national average, says health issues related to smog, and stress related to density must be planners' first concerns.

It is the issue of density — how many people should be permitted to live or work in a place — that has carried the growth-management movement to its most provocative victory in San Diego. Instead of limits on commercial growth, the city council in August 1987 ended three months of parliamentary debate by passing ordinances that set an annual 8000-unit ceiling on the construction of residential housing.

Despite oppositon from Mayor Maureen O'Connor, the council also exempted several large projects from inclusion in the Resource Protection Overlay Zone, which protects wetlands and hillside areas from overdevelopment.

"The city has really taken a major step towards (better) planning and growth limiting," land-use consultant Robert Freilich told the *San Diego Union*. Freilich, a Kansas City attorney, is considered the father of San Diego's 1979 growth-management plan, which the new measure replaces for 18 months.

The Resource Protection Overlay Zone extends to inland areas the same strict regulations that govern the coast under the state's coastal act.

The crunch for San Diego, long considered the model for a stress-free, quality-of-life-type life, came in the form of a population boom. Since 1970 the population has grown 44

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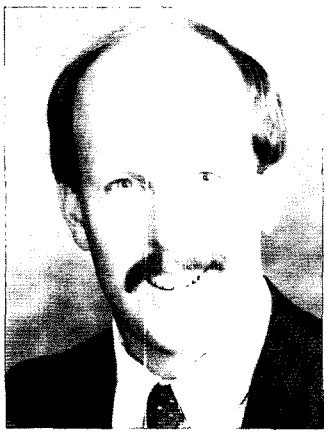
percent, to 1,025,000 residents, making San Diego California's second largest city. The result — crowded schools, congested freeways and air pollution — necessitated a drastic measure, says City Councilman Michael Gotch. "At stake is the economic and environmental destiny of our city," he said. "Commercial (development) hasn't been the focus of our effort. Our concern has been the lack of public facilities associated with housing: police, fire, parks, schools. You have to remember we came of age in terms of urban metropolitan area problems much later than other cities. Most of those other cities were irreparably damaged years ago."

Slow-growth, Gotch is eager to note, does not mean no-growth. "We're seeking a balance. Developers should be part of the debate, but they should not control it."


Erskine

Bradley

While some advocates discuss this planning approach in dramatic terms of health and urban survival, Gotch is up front about a less-articulated aspect: aesthetics and arguably subjective taste. "Developers here showed no sensitivity to the natural landforms. They created something that looks like any other middle-American city. It looks like a Kansas City plain."

San Diego developers and environmentalists are now working together to draft a growth-management plan to succeed the interim ordinances. It should be ready for the November 1988 ballot. Each side is striving for reasonableness, but there are doubts that this new-found cooperation will last.

"It may be dreaming," Gotch says.

Last June, in Orange County, the dreaming stopped and the plans for signature-gathering began for an unlikely citizens group called "Orange County Tomorrow," a quirky mix of liberals and conservatives that includes openly gay Laguna Beach Councilman Robert Gentry and former county Republican Party chairman Tom Rogers. The group announced a petition drive for an initiative that would ban large construction projects except where average vehicle speeds are at least 30 to 35 m.p.h. and where stops at intersections last through only one red light.

At first, developers assailed the plan as portending economic doom. But later, organizers and developers decided to talk it out.

"The language is being worked out. It (the initiative) is becoming more workable," says John Erskine, executive director of a group of Orange County builders. "We know that development has to pay its fair share of traffic improvements. But we can't take the blame for the total population increase."

Even in a modified form, the initiative "will create a chilling effect on new development," he says. But perhaps it will be a relatively short winter. Developers will take a "hands-off approach" to the initiative, "given public sentiment." In other words, like the business community in Los Angeles during the Prop U campaign, developers will leave well enough alone, not break the bank opposing the measure, and hope that this latest political fad will pass.

Others think demanding more from developers is not a fad. Costa Mesa City Councilman Dave Wheeler said Orange County residents became threatened by traffic. "We just want to improve capacity. There's a lot of ways to comply. They can build whatever they want if they also build the roads so people can get to work," Wheeler says.

Campaign activists plan, Wheeler says, to attempt to initiate separate campaigns in each of the county's 26 cities and the county's unincorporated areas to cover any loopholes. "We hope to have the resources to do that," he says.

California continues to be a magnet for thousands of people looking for a better way of life. Similarly, the future looks bright for the movement to limit that influx into California cities. Politicians recognize that public sentiment was ahead of them on this one. They are jumping on the bandwagon, while the real estate interests have taken a "let's try and live with it till it's over" attitude.

A possible snag, however, depending on the interpretation, could be two recent U.S. Supreme Court decisions that may either encourage reasonable growth or provide the excuse for already skittish city councils to resist imposition of strict slow-growth laws.

In the first case, *First Lutheran Church of Glendale v. County of Los Angeles*, the Court held that property owners may sue for compensation when government agencies impose restrictions that bar or seriously restrict them from development of their property, even temporarily. That decision overturned a California Supreme Court ruling that had protected cities from litigation by disgruntled landowners.

In the second case, *Nollan vs. California Coastal Commission*, the U.S. Court ruled that a beachfront lot owner forced to give up part of his shoreline land in exchange for a construction permit also deserved compensation. Frequent public-private trade-offs, such as those in San Francisco requiring fees for day care, could be called into question.

Developers and builders positively gushed over the decisions. "This is the biggest land-use decision from the Supreme Court since 1926," Gus Bauman, counsel for the National Association of Home Builders, told The *Los Angeles Times*, referring to the landmark ruling upholding the concept of zoning.

Others disagree. The day after the *Glendale* decision, Yaroslavsky called a news conference to announce it was "full steam ahead for the slow-growth movement."

Attorney and San Fernando Valley homeowner activist Dan Shapiro wrote in the *Los Angeles Herald Examiner*: "Far from giving development a green light, the decisions should encourage the slow-growth movement and the city to do something neither had done in the past — plan for growth."

But Dan Garcia, the powerful chairman of the Los Angeles City Planning Commission who helped instigate Proposition U, and then supported efforts to weaken it, said, "I think it's going to force us to be more careful to the extent in which we engage in overregulation."

The determination and success of the slow-growth movement has sent a clear signal to politicians. At the same time, it has stimulated intense debate among planners, economists and liberals concerned about its underlying motivations.

As John Stodder, a top environmental advisor to Mayor Bradley, says, "Quality of life. Great. Yours or mine?"

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uste Rodin, French, 1840-1917, The Thinker Bronze on marble base, H. 198 cm
of Alma de Bretteville Spreckles,1941.34.8 ©The Fine Arts Museums of San Francisco

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California's newest boom town

By RICK KUSHMAN

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A warm October sun casts morning light on downtown Sacramento, reflecting off colossal cranes and glass buildings, illuminating the autumn reds and golds streaked through a forest of trees that graces the streets. No longer is the Sacramento skyline, or character, dominated by the white Capitol dome. As a new day dawns in this city, the landscape is changing.

Just as mid-sized office buildings and commercial centers are fashioning a more preeminent profile, so too has a flourishing regional economy overshadowed the notion — still promulgated by people speeding from the San Francisco Bay Area to Lake Tahoe — that this is a staid and stagnant government town.

There are enough buildings growing in downtown Sacramento to make the city look like the habitat of the giant construction stork. New restaurant after new restaurant is baking, broiling and braising away. And so many new streets and suburbs are sprouting that area maps are nearly obsolete by the time they reach print.

Sacramento is a boom town. While so many of California's cities are crammed with overpriced housing, parking-lot-like freeways and residents storming city hall to stop development, Sacramento is spreading like a kudzu vine.

This once quiet community, whose major products were tomatoes and red tape, is researching and developing and manufacturing at a pace on a par with any major city. But Sacramento is also producing some of the problems plaguing other cities around the state.

Nationally, Sacramento's air ranks seventh in ozone and carbon monoxide pollution, according to the federal Environmental Protection Agency. Traffic, while tame by Bay Area or Los Angeles standards, is nonetheless more congested than it used to be. And some communities are moving toward incorporation, splintering what little remains of a united regional planning front.

"Is there trouble ahead?" said Sacramento County Supervisor Grantland Johnson. "We're in trouble right now. We are going to have to take some steps that people are not going to like, such as requiring environmental protections as a cost of doing business."

Still, to many eyes both in and out of the community, Sacramento's prospects outshine the clouds. The future, in the words of chamber of commerce promotion squads, is "big league."

"This is already a major league city, and in 10 or 20 years we will be one of the best cities in the country," said Gregg Lukenbill, a land developer and part-owner of the National Basketball Association Sacramento Kings. Lukenbill's call for a "major-league city" has become the battle cry for Sacramentans tired of feeling like ragged country cousins to San Francisco.

Continued on next page

Rick Kushman, a Capitol reporter for the Sacramento Bee, *formerly covered local politics for the* Sacramento Union.

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In terms of growth, Sacramento is already in a league with anyone. A Wharton Econometrics study in June 1987 predicted Sacramento would be America's fastest growing urban area within three years. A nearly identical 1986 Chase Econometrics report projected Sacramento's growth as the fastest of the nation's one-million-people-plus regions for the overall economy and for population, income and jobs.

For hard evidence, there is a $63 million Hyatt Regency — the city's first luxury hotel — readying to open its doors across from the state Capitol in April 1988, and more than a dozen major office and commercial projects in various stages of construction around the region, including what will be the city's tallest building: the 28-story Renaissance Tower in the heart of downtown. In fact, businesses rented out 2.3 million square feet of new offices in Sacramento in 1986 — twice the amount leased in San Francisco.

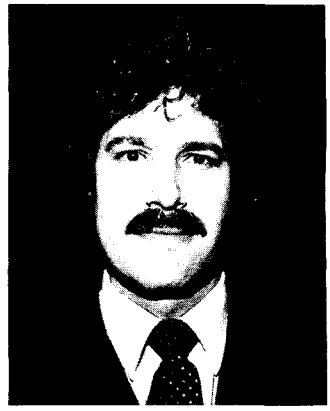
On the fun-and-frolic front, a Gold Rush era waterfront is nearly completed in Old Sacramento. Tourist and convention business is booming, and the city is planning to expand the overstuffed Sacramento Community Center. There are plans for two new shopping malls and for major additions to two existing complexes. The chamber of commerce is even in the early stages of wooing a Disneyland-style amusement park.

And of course, there is a 17,500-seat arena scheduled to open in September 1988 for the city's pride and joy — the Sacramento Kings. Team owners have even started some rudimentary work on a 45,000-seat stadium in which they hope to house a major league baseball team.

How did this city, once part pit stop and part government outpost, shift itself into such a fast lane? The answer seems to be that a new, precious element has been discovered in the city that started California's gold rush — the quality of life.

"You feel so good about being here," said John Roberts,

Rudin



Lukenbill

executive director of the Sacramento Area Commerce and Trade Organization, a privately funded group charged with luring new employers to town. "There is the weather, the geography, the rivers. We can attract such good companies, because they know they can attract good people."

Roberts has a poster in his office that boasts of Sacramento's attributes. The list is long. There are good freeways and a far-from-capacity airport; there is the relatively cheap energy, the nearby recreation, the quality public schools; there are two universities — the University of California, Davis and Sacramento State University, and a well-educated jobs corps; and — perhaps most important — there are the land prices.

According to the state Department of Housing, the average house costs $84,000 in Sacramento, far below the state average of $141,000. Huge tracts of open, inexpensive land are available for industry and homes, and the Sacramento City Council last year opened up more than 9000 acres north of downtown in a region called North Natomas — the place where Lukenbill is building his arena and stadium.

That quality of life has netted Sacramento some awfully large fish in recent years, including the Herman Miller Company, a Michigan-based furniture manufacturer with plans for a one-million-square-foot plant, and the 3M Corporation, which could employee up to 5000 people. Other biggies include: Minnesota-based H.B. Fuller Company, an adhesive manufacturer; USAA, an insurance service bringing up to 1000 jobs to Sacramento; First Nationwide Bank and Target Stores' Northern California distribution center.

So, why didn't Sacramento boom earlier?

"Sacramento has reached its critical mass," said developer Phillip Angelides. "We now have the amenities to attract quality growth, and that growth and investment causes more growth and investment."

That snowballing growth, pushed by the continually expanding state government as well as the new industrial base, has attracted investments from places as exotic as Houston and Hong Kong, and it has created new wealth inside Sacramento to fuel more growth.

Meanwhile, officials of major banks, previously hesitant to commit large sums to Sacramento projects, now are tripping over themselves to put money into a boom town, developers said. In addition, the word is out on Sacramento. Energetic groups like SACTO and the Sacramento Chamber of Commerce have been promoting like crazy, and companies have wandered across Sacramento on their own in their efforts to leave behind the crowds and costs of other California hot spots.

"People are discovering what we've known for years. But they wouldn't have discovered it without those other cities being saturated," Angelides said. "Now it's our time in the

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Photo by Rich Pedroncelli

The grand opening celebration for Sacramento Regional Transit's light rail earlier this year.

sun."

This idea of a "time in the sun," this hunger in some quarters for development and entertainment and a "major-league city" reaches deep into the fabric of Sacramento. It has become a rallying standard for a chunk of the community and, more important, for city council members and county supervisors.

Sacramento politicians, especially on the city council, had decidedly slow-growth attitudes for years, and the change in attitudes and council membership may have as much to do with the boom as anything else.

If any day signaled the start of the boom — and the change of attitudes — it would be June 8, 1983 — the day Lukenbill, fellow developers Joe and Richard Benvenuti and a handful of other investors bought the then-Kansas City Kings. The city's reaction was pure glee. But the Kings' new owners had a price for relocating the Kings from Kansas City to Sacramento — the opening of those 9000-plus acres in North Natomas.

The pro-Kings and pro-development lobby flexed a new kind of political muscle after the 1983 mayor's race, when a neophyte politician named Ross Relles came within 1000 votes of defeating 12-year council veteran Anne Rudin who had urged caution when deciding the long-term fate of North Natomas.

"That was a watershed election," said Supervisor Johnson. "That told me a significant portion of the community wanted growth and sports and opportunity."

If local officeholders had any doubts, they could turn to their sports pages or newscasts, where big-league-starved sports reporters put opposition to the North Natomas development on a par with seating a Communist in the White House.

"Anyone who opposed it," said Assistant City Manager Doc Wisham, "was being painted as an out-and-out traitor." Wisham's point was demonstrated vividly during the King's inaugural season in Sacramento (1985-86) when Mayor Rudin was soundly booed when introduced prior to the start of a game.

The selling job worked two ways. It turned a borderline council into a group that made economic development and only-slightly-tempered growth its number one goal. And it created a near-mania among pro-growth forces with which they simply overran the opposition.

Probably the key to the major-league city crusade has been the 32-year-old Lukenbill himself, a local native who has become a Sacramento icon.

Here was a young guy showing up at council meetings or press conferences in jeans and a plaid shirt, who kept saying, "I want to build this city a stadium and make it major league." Never mind that he and his partners stood to make millions when North Natomas farmland was developed, major league sports or not, or that he was worth more than the entire city council. The public saw a common man, a little guy fighting city hall.

The magnetism of Lukenbill's vision, and the fervor with which he has promoted it, was typified by Sacramento's March on Baseball in August 1987 — a magnificent display of both devotion and delusion. More than 21,000 people, dressed in blue March-On-Baseball shirts and caps, piled into nearly 300 rented buses, then trundled off to Oakland for an A's-Yankees game. Once there, they became a living, cheering, beer-drinking advertisement for Sacramento's desire for a baseball team. In his penchant for outrageous overstatement and hyperbole, Lukenbill likened his march to the Normandy invasion or Martin Luther King Jr.'s 1963 March on Washington D.C. He said it could convince Baseball Commissioner Peter Ueberroth and the baseball establishment that "it would be insane not to give us a team."

That was heady stuff in Sacramento, where the march was covered like a presidential inauguration. But the impact was less-than-dramatic around the country. Few newspapers and even fewer television stations mentioned the stunt, while some described Sacramentans as a pack of crazy hicks. It did show, however, both the passion and the lack of perspective that abounds in Sacramento. And both those qualities have

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some people worried that Sacramento's boom will leave the city's quality of life with more than just a few frayed edges.

Both politicians and environmental leaders worry that shortsightedness in either encouraging too much development, or in bowing to neighborhood pressures to push aside regional needs, such as freeways or connector streets, may move Sacramento toward San Jose-caliber traffic jams and pollution. In addition, moves to incorporate regions of the county — moves fueled by dissatisfaction with county planning and by efforts to create conservative political strongholds — may leave the area with the same fragmented leadership that made Bay Area local governemnts incapable of dealing with their growth.

"So much of that is politics of the moment," said Councilman Joe Serna. "Politically, incorporations are a real possibility all over. Governmentally, it would be a disaster."

The city council showed what critics called that same shortsightedness early this year when it voted to scrap a study to build a major connector street near east Sacramento, one of the city's wealthier neighborhoods. The council was largely in favor of the connector a few months earlier but, after pressure from neighborhoods, voted not even to allow the study.

"Now, any solution will be a lot more expensive," said SACTO's Roberts. "But how do you tell the citizens of Sacramento you just cost them money and made traffic worse? So you keep your mouth shut and traffic just piles up."

There is a deep split among Sacramento leaders, from developers to environmentalists, over the neighborhoods' versus regional needs. Given that split, the winner during council debates is usually the group that screams the loudest.

"The political process is negative, in a way," said Mike Eaton, president of the Environmental Council of Sacramento, the area's largest environmental lobby and the loudest opponent of developing North Natomas. "You only hear from the people hurt from an environmental move. Because of that, I am skeptical about government's ability to keep promises, despite the good intentions of the people who made them."

The particular promises Eaton would like kept are the volumes of environmental protections worked out between the city, Eaton's group and Lukenbill's North Natomas developers. In this case, people such as Serna and Lukenbill would like those promises kept, too.

"Elected officials are going to have to take a beating from developers and hold tight," said Serna.

Holding tight, many city leaders say, could mean the difference between Sacramento and over-developed areas like Silicon Valley. In addition, they point to moves to blunt growth problems before they become uncontrollable. For example, there are 18 miles of a light-rail system that has become sort of the class clown of Sacramento projects. Supporters say the trolley's time will come.

"Despite all of the bad press," Eaton said, "it is to our credit we are building our light rail ahead of San Jose's and three to five years before we need it."

And there is, of course, that boom-town spirit to tap, according to Lukenbill and his legions — spirit they say will temper growth enough to maintain that precious element that is Sacramento's quality of life.

"People here believe we have an opportunity," said Lukenbill, never letting his chamber-of-commerce enthusiasm dim for a moment. "It's an opportunity to learn from others' mistakes, an opportunity to be responsible, an opportunity to be a national-class city."

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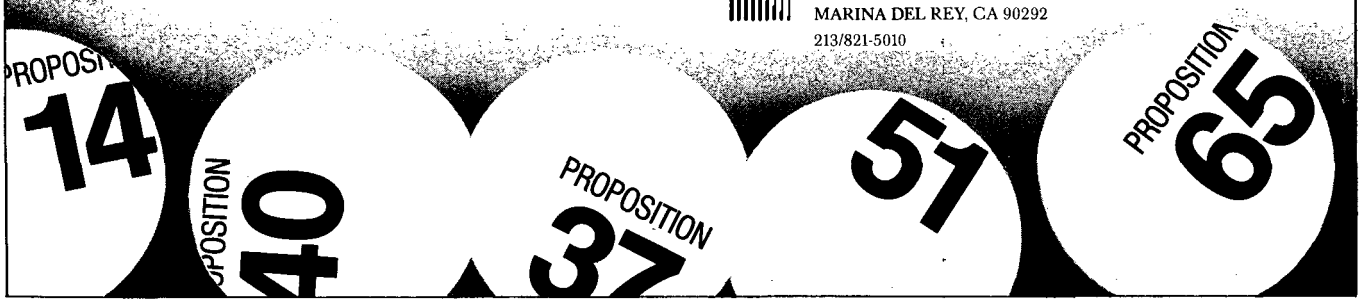

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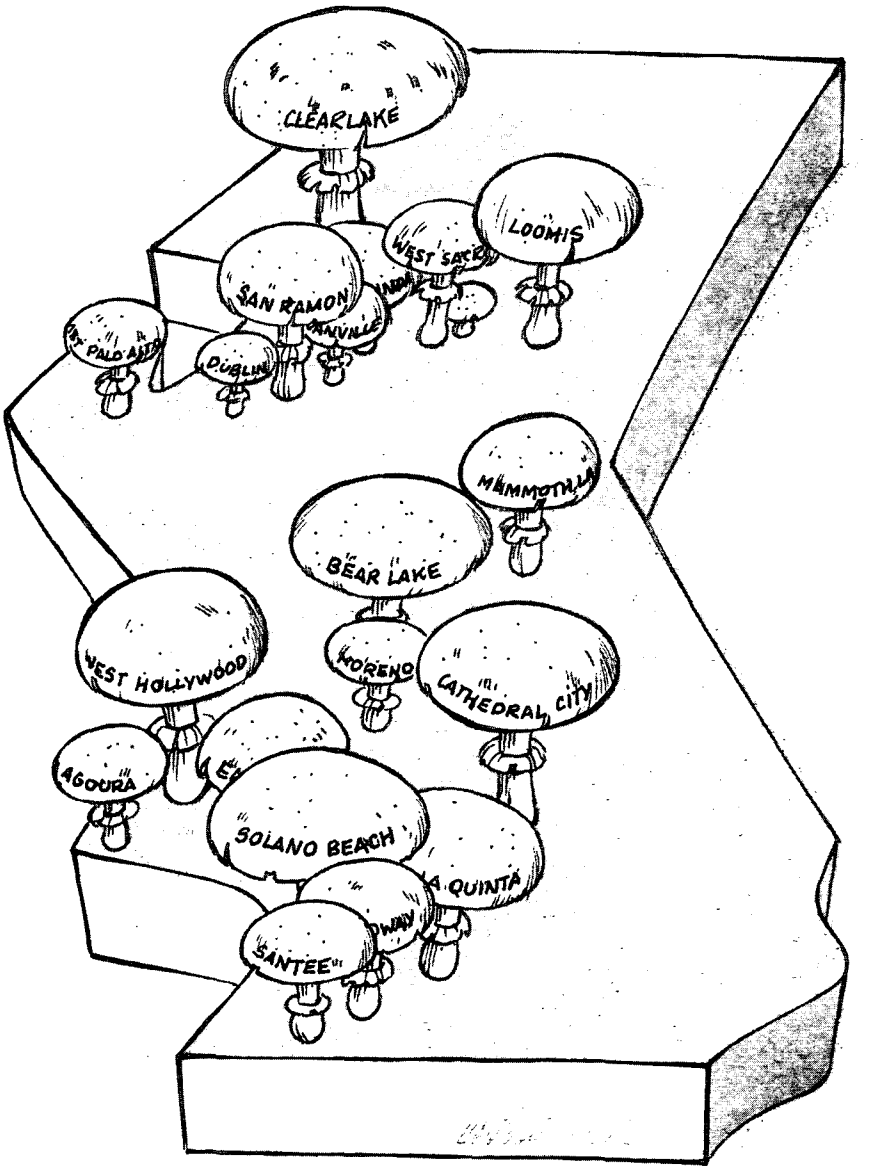

COUNTIES LOSE

Climate right for creating new cities

By ROBERT FEINBAUM

California cities are being formed more often today than at any time since the mid-1960s. Incorporation, which doesn't cost the new city a dime, can produce financial benefits for communities choosing to become cities. Indeed, most experts see the trend persisting as the state's population continues to grow and to shift from established cities and rural areas to rapidly developing suburbs.

But the urge to incorporate also creates conflicts between new cities and their counties over such things as the organization of governmental services, limited sources of local revenue, regional planning efforts and land-use authority. It also raises questions over whether there are too many cities to provide the rational governmental structure the Legislature envisioned 25 years ago when it encouraged "orderly growth and development" by passing the Knox-Nisbet Act. That law set up "local agency formation commissions" (LAFCOs) in each county of the state.

The current wave of incorporations is not the first to sweep the state. The first cities were chartered in 1850 — among them San Francisco, Los Angeles, San Diego, San Jose, Santa Barbara, Sacramento and Stockton. By 1870 California had only 32 cities. But over the next 50 years, ending with World War I, a booming state population brought forth more than half the state's 444 cities.

The pace of city formation slowed in the 1920s and almost stopped during the Depression and World War II. But a second population boom toward the end of the Second World War brought the incorporation movement to life again. By the time its energy was spent in the mid '60s, another 111 cities had joined the ranks. Then from 1965 to 1977 California experienced another dry spell.

Passage of Proposition 13 in 1978 brought new life to cityhood movements. Proposition 13 removed the main financial argument against incorporation. Prior to its passage cities would simply add their property tax levy to the counties, creating heavier tax burdens for residents of new cities. Incorporation proposals often sank under this weight. But Proposition 13 froze the level of taxes levied against a parcel of property. Once that barrier was overcome, residents of growth areas began once more to consider incorporation. Since then, 27 cities have been formed statewide, although 60 percent lie within the borders of just five fast-growing counties: Contra Costa, Los Angeles, Riverside, San Bernardino and San Diego. Another 13 incorporation proposals are currently wending their way through the process that leads to a vote of affected residents.

Communities incorporate for four main reasons:

- Dissatisfaction with land-use decisions made by the county. Residents of unincorporated areas often feel that county boards of supervisors allow too much development, or the

Robert Feinbaum is a writer working out of Oakland.

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wrong kind of development, in their areas.

- Control over local money. Residents of an area feel the services received from a county do not properly reflect the amount of tax money sent to the county seat. After incorporation the new city can provide better services because the money coming into the community before incorporation still comes in, and it gets additional money because of incorporation; for instance, its share of vehicle license fees paid to the Department of Motor Vehicles but returned to cities and counties.
- An active local nucleus looking to enhance community identity. Successful incorporations usually occur in a community that has a tradition of leadership, such as a strong homeowners' association, chamber of commerce or community advisory council, or politically-ambitious individuals.
- As a defensive maneuver. Some communities are pushed to incorporate by the threat of annexation or by actions of neighboring cities or counties.

The Legislature has purposefully stayed away from prescribing minimum standards for new cities. However, according to Peter Detweiler, consultant to the Senate Committee on Local Government, there will always be places that are "too poor, too remote or too stubborn to incorporate." Most concentrations of population are already within some existing city's sphere of influence, and new developments are likely to be annexed before being built out. Sometime in the future California's urbanized counties may approach the situation in Alameda County where 90 percent of the population now resides in cities.

Incorporations have increasingly pitted local residents against county governments. William Fulton, publisher of *California Planning and Development Report*, talks about the "zero-sum game of finances" bringing cities and counties into conflict over "the art of drawing boundaries ... to capture the limited amount of tax revenue available to local governments in California." New cities take over most of the property-tax base in their areas. And when a city incorporates it gets whatever sales taxes are generated within the new city, money that once went to the county. In short, Fulton concludes, "incorporation and annexation usually means the new city wins financially, while the county loses..."

Of course counties no longer have to provide certain services after incorporation. Law enforcement, planning, land-use controls, building inspection, public works, animal regulation and, in some counties, libraries, parks and recreation, are no longer provided to residents of new cities. However, by law, counties are required to maintain those services until June 30th following the effective date of incorporation. Not surprisingly, new cities and counties often disagree strongly over that date.

In the case of Orinda, the city wanted an effective date of July 1st; the county administrator wanted May 1st. The city appealed to the Legislature and, in the only decision of its kind thus far, lawmakers sided with the city. Thus, the city collected an extra $350,000 in state tax revenues and received services from the county for a full year.

County officials complain that their responsibilities continue to grow while their revenue base shrinks. Supervisor Tom Torlakson of Contra Costa County, who cast the only vote against the Orinda incorporation, complained that the county's unincorporated area keeps getting smaller and smaller but its obligations are not shrinking. "How far," he asked, "do we go toward having an entirely incorporated county?"

Counties have legally tried to soften the financial effects of city formation and annexation. Solvang's incorporation led to a bitter legal fight with Santa Barbara County over payment for county facilities and land leased to the new city. Butte County and the city of Chico have been involved in litigation over annexation of a shopping center with its tax revenue.

Sacramento County, with the smallest percentage of residents in incorporated areas of any urban county in the state, has probably experienced the sharpest conflict. Three big incorporation proposals threatened to substantially deplete the county's financial base. County officials went to the Legislature with a proposal to allow them to

Incorporations

Cities that have been formed since Proposition 13 passed

County	City	Date
Alameda	Dublin	February 1982
Butte	Paradise	November 1979
Contra Costa	Danville	December 1981
	San Ramon	July 1983
	Orinda	July 1985
Kings	Avenal	September 1979
Lake	Clear Lake	November 1980
Los Angeles	La Habra Heights	December 1978
	Westlake Village	December 1981
	Agoura Hills	December 1982
	West Hollywood	November 1984
Mono	Mammoth Lakes	August 1984
Placer	Loomis	January 1985
Riverside	Cathedral City	November 1981
	La Quinta	May 1982
	Moreno Valley	December 1984
San Bernardino	Grand Terrace	December 1978
	Big Bear Lake	November 1980
San Diego	Poway	December 1980
	Santee	December 1980
	Solana Beach	July 1986
	Encinitas	October 1986
San Mateo	East Palo Alto	July 1983
San Luis Obispo	Atascadero	July 1979
Santa Barbara	Solvang	May 1985
Ventura	Moorpark	July 1983
Yolo	West Sacramento	January 1987

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retain revenue sources even if incorporations succeeded. Passed in 1986, the bill (AB 672) phased in property-tax sharing over a 10-year period but applied only to Sacramento County.

Final authority for local boundary change rests with the state Legislature. But the 1963 Knox-Nisbet Act delegated powers to local agency formation commissions (LAFCOs) in each county to deal with boundary changes.

LAFCOs have five members — two county supervisors, two representatives chosen by the incorporated cities in the county and a public member selected by the other commissioners. Legislation in 1971 permitted LAFCOs to add two representatives from special districts.

LAFCOs regulate and plan. As regulatory bodies, they approve boundary changes. As planning agencies, they designate spheres of influence which establish the ultimate physical boundaries and service areas for every governmental agency in the county. These spheres-of-influence studies then feed the decision-making process on incorporations or annexations.

The Legislature has provided only loose guidance for LAFCOs. In evaluating incorporations, commissions are supposed to consider issues such as: population density, natural boundaries, the likelihood of significant growth in the area, the need for governmental services and the "probable effect" of the proposal on the "cost and adequacy of service in the area and adjacent areas," the effect on the local governmental structure of the county, the effect on agricultural lands, consistency with city or county general plans and the sphere of influence of "any local agency which may be applicable to the proposal."

However, LAFCOs are not required to base decisions on any one or a combination of these factors. Peter Detweiler says that the LAFCO law "is more suggestive than mandatory," a decision meant to give LAFCOs flexibility. Dewey Mansfield, executive officer of Contra Costa's LAFCO, argues that flexibility is essential. "We don't want standards to replace judgment," Mansfield said.

Counties are required to fund the commissions, and this relationship causes some critics to charge that LAFCOs tend to favor counties in any dispute. A LAFCO staff is typically drawn from the ranks of county employees, and it depends on the county for such amenities as office space and legal assistance.

"The degree of influence the county might have differs from LAFCO to LAFCO" around the state, according to Jim Herrington, a former incorporation consultant now with the League of California Cities. But some critics see LAFCOs siding with counties more often than not. And where special district representatives sit on the commission the cards can be heavily stacked against incorporations. If an incorporation is approved, the city often takes over the special district — effectively putting it out of business. With county supervisors trying to avoid losing revenue and districts fearing dissolution, approval of incorporations becomes more difficult.

A LAFCO's role in an incorporation is critical. A proposal comes before it either through a resolution of the board of supervisors or a petition signed by at least 25 percent of registered voters within the proposed boundaries. Staff analyzes the financial feasibility and the plan for providing municipal services and recommends for or against the proposal. The LAFCO then holds public hearings. If it approves, the matter goes to the board of supervisors for another round of hearings. But if the LAFCO denies the application, it cannot be resubmitted for one year except with the commission's approval.

Thus, disapproval by the commission can sound the death knell of an incorporation proposal as effectively as can defeat at the polls.

Are there too many cities? Some experts question the motives behind certain incorporations. They see narrow and exclusionary purposes out of harmony with the state's policy of providing efficient public services. For instance, Contra Costa County now has 18 cities, but none of them are full-service cities. Only three have their own fire departments. Would a half-dozen full-service cities provide better services to residents, more effectively discourage urban sprawl and lead to more rational organization of government services?

When cities incorporate they take over planning and zoning powers from the county. However, city land-use decisions can create regional problems, especially in transportation. Some areas have agencies that tackle problems on a regional basis (the Bay Conservation and Development Commission and Lake Tahoe Regional Authority, for instance), but metropolitan transportation problems are not as glamorous an issue as preserving scenic areas. Thus, almost no one is studying the regional consequences of local land-use decisions. Should such an authority be created in each metropolitan area? And should this new agency be empowered to coordinate local development decisions with transportation capacity?

City-county conflicts are more difficult to solve. A recent study by the San Diego Association of Governments (SANDAG) recommended some sweeping changes: revision of the post-incorporation property-tax split so that counties are not so hard hit, modification of Proposition 13 to allow property-tax overrides in newly incorporated areas, and sales-tax increases to pay for courts and jails and for transportation improvements. Some observers also recommend an overhaul of the the "free rider" situation, where counties have to provide services to newly-formed cities for the balance of the fiscal year. Should property tax and sales tax revenues be shared by new cities and counties over some period of time? Such a change could make incorporation more difficult for some communities but might also ease county antagonism.

Another irritant to city-county relations concerns the future of islands of unincorporated land surrounded by cities. Existing cities often don't want these islands because they were developed to lower standards than the cities. Counties, on the other hand, would like to get out of the urban-service business but can't provide much incentive for anyone else to take them over. Neither cities, the county nor "islanders" themselves have the money to undertake expensive sidewalk, street lighting or sewer projects. Should state funds be made available to upgrade these areas on the condition that they annex to a neighboring city and thus relieve the county of the responsibility for providing city services?

Should LAFCOs determine spheres of influence? Should a LAFCO's role be broadened to deal more explicitly with regional planning? Currently the commissions are understaffed and tied too closely to county governments. But if LAFCOs in counties forming a metropolitan area were merged and adequately funded from sources outside of county control, they could help to coordinate local desires with regional needs. Their decision-making about incorporations and annexations could then be integrated into a true regional perspective.

Incorporations can be seen as more than an assertion of local control. They also show dissatisfaction with the way government, and governmental services, are organized in an area. Ironically, the proliferation of incorporations may create the next generation of local governmental challenges.

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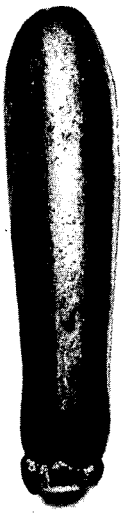

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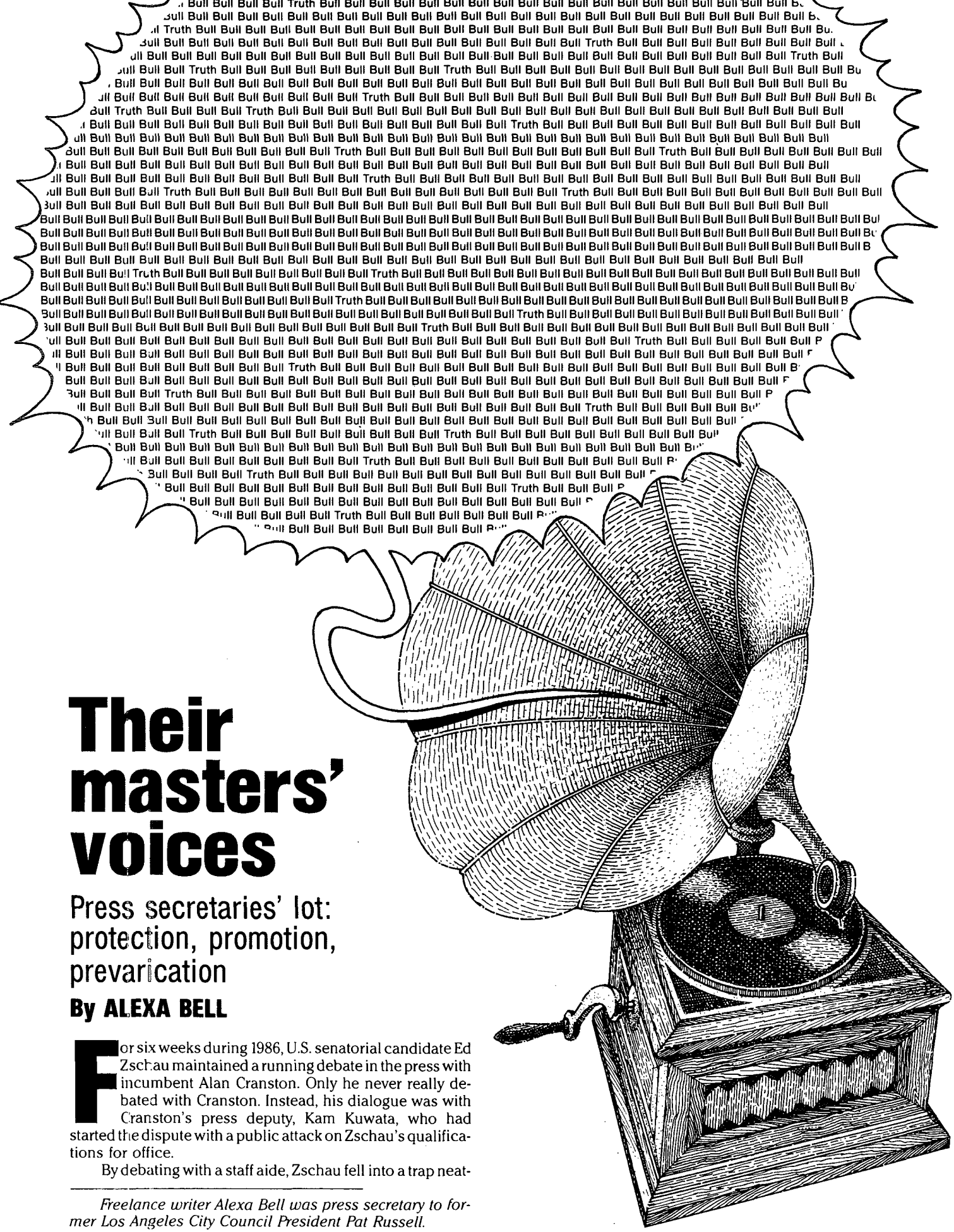
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Daniels-Meade

Thomas

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ly laid by the Cranston press team. "We wanted to put Cranston on a pedestal," Kuwata observed. "By debating with me, Zschau helped our overall strategy of saying he's not at the level of Cranston." Ultimately, it contributed to a Cranston victory.

An effective press deputy is an invaluable asset to any politician, and a necessity to one undergoing the scrutiny of a campaign. At their best, press secretaries deflect heat, defuse controversies and ease the traditionally adversarial relationship between elected officials and the press. Most crucially, they hammer away at their bosses' themes and get them into the news — ideally with a minimum of editorial backlash.

The mission isn't easy because press secretaries are pressured by both politicians and reporters — who can have starkly different criteria for judging press relations.

"Politicians think the press secretary can control what goes into the headlines and even what picture is used," observes Bill Gilson, press deputy to Los Angeles City Council President John Ferraro. "From the press side, they look like you're lying even when you're telling them more than they want to know. They've become very skeptical."

"It's a caught-in-the-middle situation," concurs veteran *Sacramento Bee* political columnist Dan Walters. "It's a disharmonic convergence."

What distinguishes the great press secretaries from the average? Admission to the club of senior advisors may be the most critical test of a press secretary. Those who do not have the confidence of their bosses — and plenty of access — have a hard time hiding it. "The press always figures it out," warns *Los Angeles Times* political reporter Keith Love.

The Deukmejian administration is believed to have suffered a credibility loss with the departure of key press aide Larry Thomas in March. Thomas, who has taken a job with the Irvine Company, was considered a senior strategist and an authoritative voice for the governor. His replacement, Kevin Brett, is considered knowledgeable but not yet among the highest echelon of advisors.

"Many reporters did not care (for Thomas) when he was here," observes Walters. "But he was high enough in the Deukmejian circles that he was part of the inner workings of the administration. If you asked him a policy question, he could respond with authority."

Thomas is also credited with candor, another essential element of credibility. While press secretaries are expected to be advocates, those who step over the line to blind faith or illogic lose clout. "He didn't shade the facts beyond the interpretive limit," adds *Sacramento Bee* political editor Martin Smith. "He stood up to the test."

His credibility with the press allowed Thomas to keep press relations smooth even though he limited press access to the governor, a tradition Brett has continued. Deukmejian's businesslike press office is a strong contrast to the casualness of the Jerry Brown administration. Although Deukmejian's distance makes reporters angry, they generally concede that it has helped him get more positive coverage than Jerry Brown received.

Kam Kuwata, Cranston's aggressive press aide during the 1986 campaign, is also seen as a highly credible and savvy news source. His access to Cranston and his understanding of the press made him one of California's most effective press aides. Kuwata has recently launched his own media consulting business in Los Angeles but remains on retainer to Cranston.

Like Thomas, Kuwata is also a master of information management, although his reputation rests primarily on his ability to put a message out. Along with others on the Cranston team, he is credited with converting his boss from underdog to victor in the 1986 campaign. The weapons were two finely honed messages — one positive on Cranston, the other negative on Zschau.

While television advertisements assaulted Zschau as inconsistent and inexperienced, Kuwata re-enforced those themes through interviews and press events. One event, labeled the "Ed Zschau Flip Flop Pancake Breakfast" by Kuwata, put a pancake-flipping Cranston on television throughout the state. "It was perhaps too cute," Kuwata observes, "but it helped visually kick in the theme."

The absence of credibility guarantees trouble for a press office and real difficulty getting any message through the press. Reporters point to the strained press relations of Assembly Speaker Willie Brown as a case in point. Brown's lack of coordination with his press office and tendency to shoot from the hip have landed him in hot water with the press. Further, some reporters accuse Brown of displaying hostility to the press — one of the most difficult mistakes to live down.

"The coverage becomes more hostile" says Walters. "They're not doing themselves a favor with a bunker mentality."

Brown's press secretary, Susan Jetton, admits that she is not included at Brown's policy meetings, adding that usually all staff is excluded and only legislators are invited. When word leaks out "prematurely," Jetton says she is sometimes caught unprepared.

"It creates problems because sometimes it looks like I don't know what I'm talking about, and sometimes I don't," Jetton said.

She also said she occasionally "cringes" at the off-hand remarks of her boss, but knows there is no hope of controlling Brown. "How it plays in the press is not one of the things that's

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Brett

Jetton

in his mind. But how do you repress Willie Brown? Nobody does."

Losses in credibility are difficult to remedy, even if the incident is isolated. The press office of late state Treasurer Jesse Unruh rankled some reporters by insisting that Unruh was not seriously ill up to the time of his death. Such breaches in trust can follow press secretaries into later jobs, reporters warn.

The best press secretaries educate both politicians and reporters about each other, says Kuwata. "A politician should demand a press secretary give him the most complete information on what the press is thinking," he says. This sometimes means providing political novices with a basic understanding of how the media works and convincing nervous politicians that they can't ignore the press.

Sometimes a press secretary has a lasting effect on his boss. The *Sacramento Bee*'s Smith, for example, credits former press secretary Lyn Nofziger with teaching Ronald Reagan how to handle the press when he was new to the governor's mansion. "Reagan was a novice and used only to the Hollywood press. He was very suspicious about the political press," Smith recalls.

"Nofziger helped Reagan a lot because he was an oldtime pressman with a lot of respect for the craft...He was very effective in helping Reagan understand it better and helping him smooth over his rough points."

Los Angeles press secretary Ali Webb is likewise considered a moderating influence on the formal public demeanor of her boss, Mayor Tom Bradley. "She creates an atmosphere that makes the reporters more friendly," says Copley reporter Robert Knowles.

"The mayor gets a lot of bad press, but it doesn't affect her (Webb's) relationship with reporters...If the mayor had a combative press secretary, he'd really be in trouble."

Webb has tried to use her own strong rapport with the mayor to give reporters a picture of Bradley rarely seen by the public. "Ali gets frustrated sometimes because she wants the press corps to see the mayor as she sees him — as someone with a great sense of humor," observes one reporter. Notes Webb: "You can't make reporters like an elected official. You can just make them be as fair as possible."

Webb, who has taken a nine-month leave of absence to pursue a master's degree at Harvard, is expected to be back in place for the 1989 mayoral race.

A strong contrast to Bradley is San Francisco Mayor Dianne Feinstein. Many reporters consider the well-spoken Feinstein a natural with the press. She is also known for her tendency to call reporters at their homes late at night to tell them in strong terms that she disagrees with their articles.

Feinstein's media instincts leave a less-active role for her press secretary, Tom Eastham, who nevertheless is considered an influential advisor. "Feinstein almost doesn't need a press secretary," says Susan Yoachum, a reporter with the *San Jose Mercury News*. "But her style is complementary with Eastham's. She is such a headliner, she couldn't have a headline-grabbing press secretary."

A former journalist, Eastham is credited with understanding media personalities and deadlines. Respecting deadline pressure is a crucial aspect of the press secretary's job — and something reporters say is missing in too many press offices.

"It's a crummy office if there is just one person authorized to deal with the press and that person's never available," says Bob Schmidt, a capitol reporter for the *Long Beach Press Telegram*. "Some press secretaries are never available, and they're absolutely useless to us."

Reporters tend to think that former journalists are better equipped to handle their demands. But some of the press aides with the strongest reputations for responsiveness were never reporters.

Caren Daniels-Meade, who handles press relations for the busy office of Secretary of State March Fong Eu, has not worked as a journalist. But she draws high praise from reporters for not only responding to them but anticipating their requests. "That's what distinguishes the really competent ones," Schmidt states.

Daniels-Meade also makes it a point to be available to reporters, even at home. Her ground rules also include strict honesty and fairness. "I don't care if you're from the *LA Times* or the *Lodi News Sentinel*, I assume you have a legitimate reason for calling and I call you back."

But Daniels-Meade, who has guided March Fong Eu through 12 years of good press, is facing a tougher job as Eu takes on the heightened visibility of a Senate race. Both politician and press deputy were embarrassed by a KNBC interview held last March, in which Eu came off as unprepared for national office. Since then, Eu has been studying while Daniels-Meade gears up for less-forgiving coverage.

Another public figure with a reputation for responsiveness is Bobbie Metzger, former press aide to both Jerry and Willie Brown.

"I had a rule that I never left the office without returning every phone call," recalls Metzger, who says she once made 93 phone calls in one day. "It's at least appropriate to call up a reporter and say, 'I know you're on deadline, and I won't be able to respond by then.' Then you're not holding anybody up."

Metzger, now a principal at the Sacramento-based public-affairs firm of Stooza, Ziegaus & Metzger, called the pressure to give immediate responses draining. "Any slip of the tongue, any words that could be misconstrued," were potential routes to the dog house.

Most press secretaries have at least one story of an ill-considered remark casually said to a reporter that ended up in the press. The question of friendliness between reporters and press deputies is a thorny one. Press secretaries are expected to schmooze with reporters, but relaxing can be a mistake.

In personal relationships as well as professional behavior, press secretaries walk a fine line. Some claim to have friends in the press, but this can be dangerous, reporters warn.

"You can't, in the end, be friends with the press," warns *Los Angeles Times* political reporter Love. "You let your guard down. There are things you don't want the press to know. And the press keeps pushing to get it."

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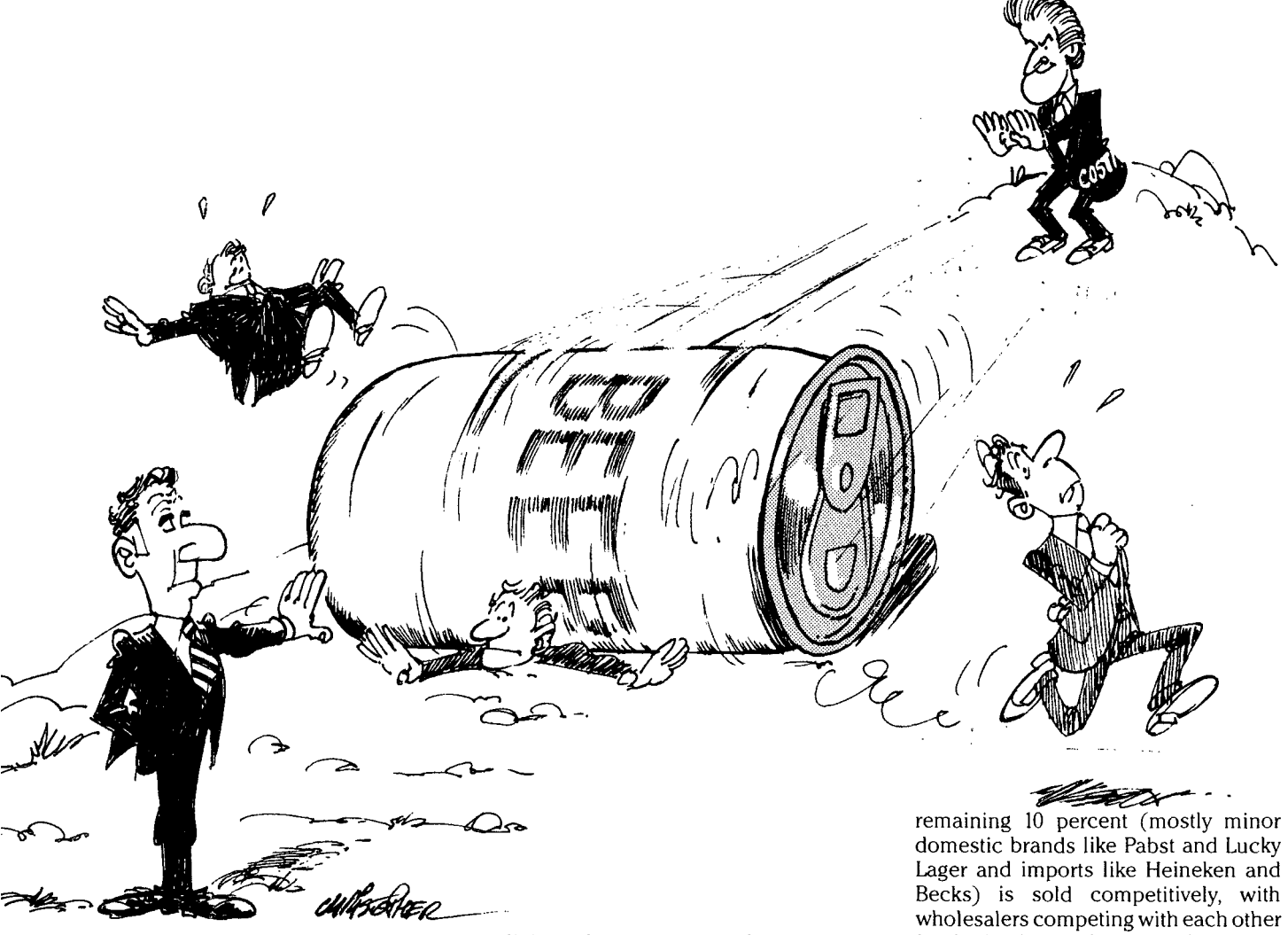

BEER:

A case study in special-interest politics

By WALTER ZELMAN

Editor's note: Walter Zelman, lobbyist for Common Cause, worked to defeat the bill he is writing about here. Obviously, he has a less-than-neutral view about the merits of this measure, but he presents an unusual look at how special-interest politics work in the Capitol.

The so-called "beer bill," AB 1500, was not one of those bills that generated great public debate. While it received a sizable amount of media coverage, it concerned an obscure area about which most Californians know little and may care even less.

But AB 1500 was also one of those bills about which political science textbooks can be written. It was a classic example of special-interest legislation — geared to serving the needs of a particular interest group at the expense of the general public. And its success — until vetoed by the governor, at least — demonstrated the way special interests can successfully deploy political assets to achieve legislative goals, and how an intense, organized special interest can triumph over a relatively apathetic and less-organized public interest.

The bill concerned the wholesaling of beer. It would have mandated that all beer wholesalers, who carry beer from breweries or importers to retail stores, be granted exclusive territory contracts guaranteeing that only one wholesaler would be allowed to sell any particular brand of beer in any particular territory. Any retailer, from a small mom-and-pop outlet to a giant supermarket, who wanted to buy Budweiser would have to buy it from the one wholesaler authorized to sell Budweiser in that territory.

About 90 percent of all beer in California is currently sold through such exclusive territory arrangements. But the remaining 10 percent (mostly minor domestic brands like Pabst and Lucky Lager and imports like Heineken and Becks) is sold competitively, with wholesalers competing with each other for the business of retailers. The competitive wholesale market model, it should be noted, is the standard model, with exclusive distributorships (such as those advocated in AB 1500) currently existing only in the sale of soft drinks.

Supporters of AB 1500 — the California Beer and Wine Wholesalers Association, and its author, Fresno Democrat Jim Costa — claimed the legislation was aimed at writing present distribution practices into law. But such assertions belied the proponents' true goals. Backers of the bill also argued that the exclusive distributorships guarantee a fresh supply of beer and that the current system allows small retailers to compete effectively with major supermarket chains.

But if wholesalers only desired to put the present system into law, they would propose very simple legislation specifically allowing breweries and importers to distribute their beer by exclusive territory contacts if they chose to do so. That is, after all, the present system.

In fact, the wholesalers wanted much more. They wanted the state to officially sanction the concept of exclusive distributorships so that they would have protection against anti-trust lawsuits that might challenge the uncom-

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petitive nature of the exclusive-territory arrangement. In addition, the wholesalers wanted to eliminate the competitive marketplace element represented by the 10 percent of beer not now sold competitively. Creating a 100 percent monopoly environment among wholesalers would first drive up the price of beers now sold competitively, and then enable wholesalers and brewers to raise prices on the other 90 percent which would face a less-competitive marketplace.

Opponents of AB 1500 were a politically odd coalition of large retail markets — grocers who wanted a better bargaining position when they purchase beer from wholesalers-and consumer groups led by Common Cause and Consumers Union which argued that AB 1500 would legalize monopolistic arrangements, eliminate economic competition, and drive up retail prices. They claimed prices to the customer would increase between 5 percent and 20 percent for a six-pack, or between 15 cents and 50 cents, and possibly even more on some imported brands. The total bill to consumers, according to this analysis, would be somewhere between $200 million and $400 million a year. Proponent Costa rejected these estimates, arguing that he would not author the legislation if he thought it would lead to an increase in beer prices.

At first glance the politics and economics of the issue might appear to have favored the opponents. Beer wholesalers, after all, should hardly be the political equals of the retailers and the grocers associations, which represent most of the major and minor food retail markets in the state. The support of key consumer groups should have added credibility — with the public and the media — to the opponents' case. The reality that it's always easier to block than to pass legislation also favored the opponents. Moreover, the opponents seemed to be winning with the state's newspapers, many of which opposed the bill.

Against such an array of opposition — major, economic special-interest groups, consumer groups and the media — one might think that the wholesalers would have had little chance of moving AB 1500. But such an analysis ignores key ingredients of political power, and therein lie the elements of a case study in special-interest politics. AB 1500 was approved by the state Legislature. Only a gubernatorial veto prevented it from becoming law.

Despite the appearances, the wholesalers had several key political and economic advantages. Most important, they had a membership which, while small, viewed AB 1500 as absolutely essential to its economic well-being. In addition, the wholesalers — being an industry of very limited economic scope — didn't have a great deal else to fight about. When they contacted legislators, by mail or in person, they didn't have to press their concerns about four or five different and equally urgent matters.

Such circumstances better enabled the wholesalers to effectively mobilize their members into a force intent on sending one critically important message to legislators. The one-goal-only reality also exerted increased pressure on legislators who — if they wished to maintain good relations with beer wholesalers — could not easily ignore wholesaler urgings. Legislators who wished to oppose AB 1500 could not find another issue around which to ease the wholesalers' disappointment. There was no other issue they cared much about. One was with them on AB 1500, or one was against them.

To these unique political circumstances must be added the wholesalers' willingness to invest heavily in their goal. Although hardly one of the state's major industries, the wholesalers consistently rank among the state's most generous contributors to legislative candidates, especially to incumbents.

Campaign contribution reports revealed that between January 1, 1985, and June 30, 1987, the wholesalers distributed over $500,000. Virtually all of that support ($484,494) went to current legislative incumbents. The wholesalers, like many interest groups, have no set of beliefs that represent anything akin to a political philosophy. Their contribution pattern suggests that they care little whether Democrats or Republicans, liberals or conservatives, win elections. What their contributions are geared to provide is maximum access to, and hopefully influence over, those in power and likely to stay there (i.e., incumbents), whoever they may be.

Key legislators, primarily party leaders and chairs of the committees that had jurisdiction over exclusive-territory and related legislation, received the largest contributions. Assembly Speaker Willie Brown received $52,000, and Senate President pro Tempore David Roberti $51,750. Former Senate Republican Caucus Chairman John Seymour received $26,654, and Assembly Republican Leader Pat Nolan collected $37,000. The two chairmen of the Governmental Organization committees, Senator Ralph Dills and Assemblyman Gary Condit, received $14,000 and $9200, respectively. But virtually no incumbent went wanting for wholesaler dollars. Of the 120 incumbents, only four received no wholesaler contribution. All the party leaders voted for the bill, except Nolan, although 17 Assembly Republicans did support it, providing the bill with the votes needed to pass.

During a critical special-election fight for a state Senate seat in Los Angeles and Orange counties, the wholesalers distributed $18,000 to the Democratic candidate and supporting party leaders, and $19,154 to the Republican candidate and supporting party leaders. The wholesalers, one must conclude, cared little whether Democrat Cecil Green or Republican Wayne Grisham won the seat. Both candidates, and the party leaders that supported them, would be substantially indebted to the wholesalers — who, it should be recalled, only had one modest legislative goal.

The propensity of the wholesalers to care more about access than philosophy, and more about legislative than electoral outcomes, is further underscored by their tendency to give in the primary period, when legislation is at stake, rather than during the general election, when philosophy (at least personalities) are at stake. During the 1986 primary, the wholesalers contributed $266,985; during the general election, they contributed just $87,999.

An assessment of wholesaler political strengths also requires a brief historical note. Ever since the repeal of prohibition in 1921, the extensive government regulation of alcoholic beverages has been left to the states. While the extent of that regulation may be greater than the industry desires, it also gives the industry certain advantages in the governmental process.

Knowing that government plays such a crucial role in determining what is and what is not acceptable in its business, the alcoholic beverage industry has developed a highly refined capacity for influencing regulators and legislators. In the case of AB 1500, consumer lobbyists opposing the bill were regularly confronted with the reality that almost every legislator knew, and was often good friends with, one or more local beer wholesalers. Wholesalers served on legislator's finance committees. They supported local Little Leagues. They donated beer to various civic and political events. They were, in a word, active local political citizens, and a genuine statewide grass-roots lobbying

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force.

By contrast to the assets of wholesalers, the opponents of AB 1500 had strengths that often lay more in appearance than in reality. In terms of intensity of commitment, all viewed AB 1500 as important legislation that should be defeated; but each had many other legislative priorities of equal or more pressing significance. The retailers and grocers could not assert — to their members or to legislators — that a "no" vote on AB 1500 was the "critical" issue to them. Votes on credit-card rates, tax reform, or product labeling also had to be described as "critical." In fact, AB 1500 was not important enough. They wanted to defeat it, but it was not essential that they do so.

As for Common Cause and Consumers Union, their lobbying forces were spread woefully thin over a broad array of issues, including tax reform, credit-card rates, insurance reform, medical care for the aged, and campaign reform. The price of beer was hardly as crucial, if it was crucial at all, to their constituents as it was to the wholesalers. Nor did they have a realistic capacity to mobilize consumers around the issue. Such mobilizations are difficult enough when the issue is insurance, rent control or toxic pollution. But monopolies in the wholesaling of beer? The public might disapprove, but turning disapproval into public energy was another matter.

Like the wholesalers, the retailers and grocers contributed substantial amounts to legislative candidates. But the amounts ($296,526 from the retailers, $134,405 from the grocers in the same two-and-one-half-year period), while close to the amount given by the wholesalers, were offered in support of lengthy legislative agendas.

The wholesalers, then, had three great political equalizers on their side. First, they cared more about the issue; second, they had fewer issues to care about; third, they had resources to invest in the effort. In sum, they were equipped and willing to focus substantial resources — organizational and financial — on a single goal. The fact that their goal did not fly in the face of some clearly definable political or partisan ideology also helped their cause. Consumer-oriented Democrats and free-enterprise Republicans would certainly question the purposes and logic underlying the legislation. But the wholesalers were not faced with a solid block of pre-ordained partisan or philosophical resistance, which is always harder to overcome.

The consumer groups opposing the bill did what they could to awaken and alert the general public. They released studies of beer wholesaler campaign-finance reports; they held Capitol press conferences; they won support from over a dozen major editorial boards; they urged their members to write letters to key legislators; they persuaded consumer reporters like David Horowitz to comment negatively on the

Zelman

bill; they submitted packets of negative editorials to all legislators. They even took the unusual step of holding press conferences in targeted legislative districts, urging local residents to contact their representatives about AB 1500.

But this was not enough to stop legislative passage of AB 1500. In hallways and in the privacy of their offices legislators offered all kinds of explanations for their "aye" vote. Some genuinely argued the merits, but many acknowledged that other factors were more important. Some noted that "wholesaler friendships" were key. Others pleaded political debts. One said he was pressured: "Willie made me do it." (The speaker denied such.) Another expressed understanding for wholesaler lobbyists. One put it almost too bluntly: "What can I say, I sold out; at least I'm honest about it." Still, another had a forward-looking excuse, "Don't worry, the governor's going to veto it anyway."

The last explanation may be the most telling of all, indicating the occasional tendency of legislators to satisfy intense constituency groups by supporting their special-interest cause and then "passing the buck" to the governor.

At only one point did AB 1500 appear to be in legislative jeopardy. In the Assembly Ways and Means Committee, a bloc of conservative, free-enterprise Republican legislators appeared likely to coalesce with a few consumer-oriented Democrats in opposition to the bill. In the end, however, the Republican front weakened, as the bill's author extracted a last-minute vote with promises of future amendments. (The amendments were never made.)

On July 2, 1987, AB 1500 passed the Assembly on a 52-20 vote. On August 20th it passed the Senate on a 21-11 vote.

But on September 12th Governor George Deukmejian vetoed the legislation, asserting that the current system is "economic and efficient." "I do not believe...that it is appropriate for the government to intervene in a process that has proven so successful."

Obviously, the clout of the wholesalers was not great enough to convince a free-enterprise, anti-regulation-oriented governor of the wisdom of monopolies in the wholesaling business. That the governor could reject the legislation may also attest to the greater capacity of that office — who ever its incumbent — to withstand special-interest pressure. The enormous power of the office may offer the chief executive a freer hand in terms of denying special-interest strategies.

In addition, the visibility of the office is such that a governor, acting as one individual, has greater potential to win both approval and disapproval when acting on controversial legislation. More so than any single legislator, the governor maintains the assets and the liabilities of constant media scrutiny. There could be little question that, in this case, a gubernatorial veto would draw media support, while a gubernatorial signature would inspire a nasty string of editorials aimed not at 120 individuals, but at one.

It is most ironic that, in the end, it was the wholesalers — despite all their supposedly successful politicking — who came out the biggest losers. They must have expended a substantial string of political IOUs to get the legislation to the governor. They persuaded, pressured or forced a majority of legislators to cast a vote for which they — as a group, at least — were roundly criticized in the media. They spent more than $500,000 in contributions and still more in lobbying and public-relations costs.

They ended up with nothing, except the possibility that next year many legislators will inform them that "I gave you a vote on that one last year; don't ask again."

But the issue is still paramount to them. The chances are good they will be back again.

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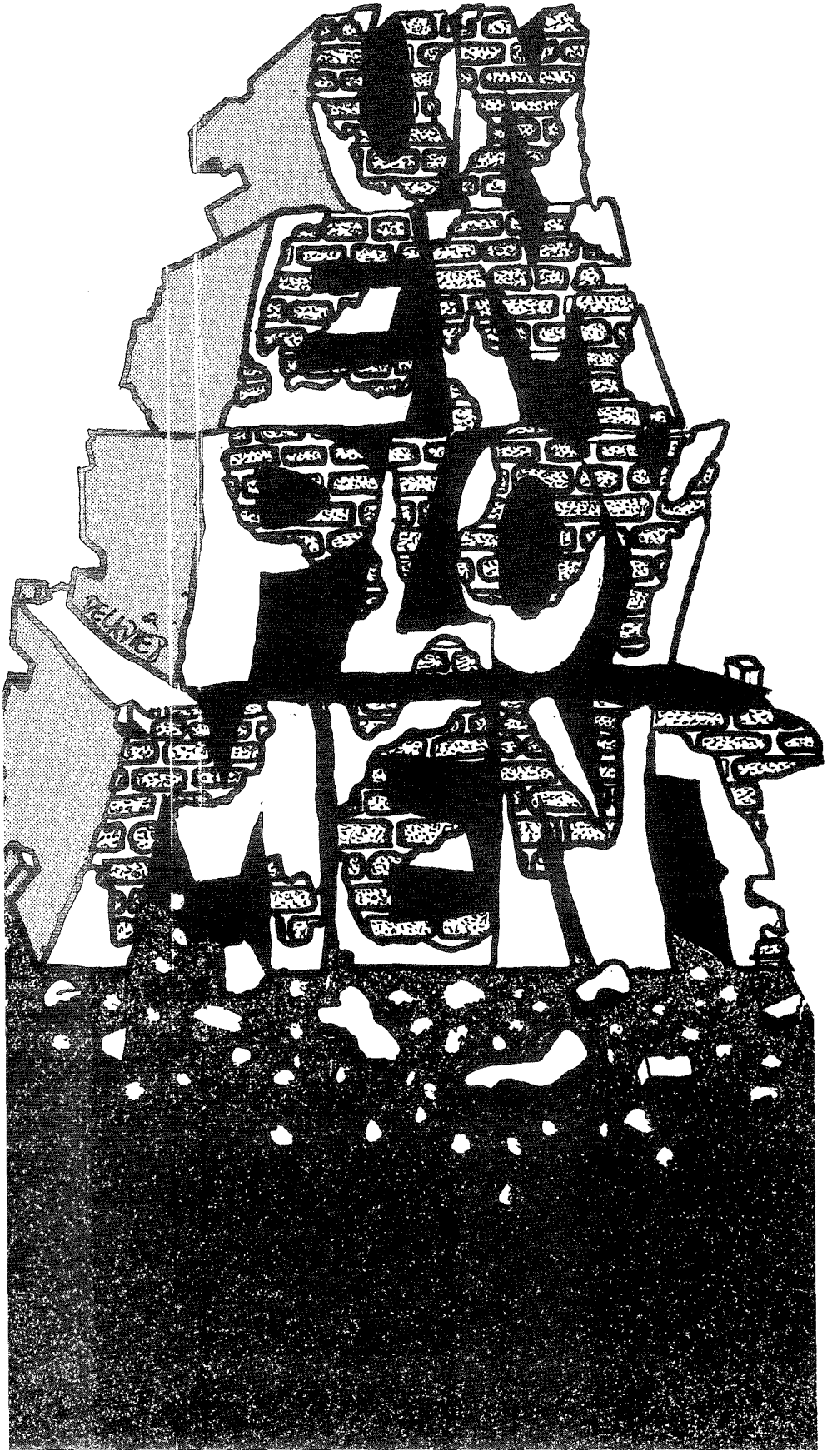

GAIN

It works, but it costs

By KEN HOOVER

In a classroom tucked away in an industrial building at the Yuba County Airport 50 miles north of Sacramento, 15 welfare recipients listen intently as an instructor, his voice rising, his index finger jabbing the air, tells them their attitude is the key to finding a job.

"We change the way we think, we change the way we act," said Bill Simmons, a 50-year-old former Air Force master sergeant and former corporate trainer for Montgomery Ward. "If we truly, honestly believe there are no jobs out there, then how do we act? Why should I look if there are no jobs?"

Many of his students have been out of work for years. Some have never held steady employment. But his students lean forward as he talks. They laugh at his one-liners. Their optimism soars.

For three weeks in daily sessions of three-and-one-half hours, the students are instructed in job-hunting techniques. Embarrassed in front of fellow students, they will submit to videotaped mock job interviews in which other students, playing the role of stern-faced employers, ask tough questions

Ken Hoover is a Capitol correspondent for United Press International in Sacramento.

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such as, "Why have you been out of work so long?" and, "What is your biggest weakness?"

They learn how to handle the questions. They practice filling out applications. But even though the class teaches them how to look for a job, the real emphasis is on motivation. "We're looking at stimulating people," Simmons says. "We have to change the way people think. If they feel good about themselves, they are much more likely to get jobs."

The purpose of the class is to prepare students to move across the hall to a room filled with telephones, where they will begin calling real employers and, under Simmons' supervision, begin looking for a real job that could end their dependence on welfare.

Simmons is the Yuba County Welfare Department's version of Norman Vincent Peale, and the class is a "job club" — a component of Governor George Deukmejian's revolutionary "workfare" program. Since January 1986 it has been California law that able-bodied recipients (except mothers with children under age six) of Aid to Families with Dependent Children — the largest cash category of welfare — can be made to work in public-service jobs for their welfare checks, unless they are in training or in school.

Welfare officials still bristle when their program is called workfare. It is officially known as GAIN (for Greater Avenues of Independence), and it's the most comprehensive overhaul of welfare attempted in any state in 40 years (see "Workfare," *CJ*, March 1986). It passed the Legislature in September 1985 by overwhelming votes in both houses, supported by an unprecedented coalition of liberals attracted by millions of dollars for child care, job training and education, and by conservatives who have long fought for a work-for-your-welfare-check provision in state law.

Two years into the program, officials say it is working. Fresno County, the first to start GAIN, reports it has helped 305 welfare recipients find jobs. And in Yuba County, officials say, 36 percent of the participants going through the "job club" and supervised job-search program have found jobs — this in an area where unemployment runs 15 percent, more than twice the state average.

But there are problems. GAIN is costing more than anyone expected. And counties are finding it much more difficult to organize the program than they first thought. Despite spending $93 million last year, state officials claim GAIN helped only 1600 participants find jobs, a tiny fraction of the 200,000 parents it is designed to begin easing from the welfare rolls. By June 30th, officials say, nearly 3800 GAIN participants had found jobs, although, the officials concede, some of those would have found jobs, anyway.

Carl Williams, the Department of Social Services deputy director charged with implementing GAIN, says it is still going to save millions in the long run as welfare grants are reduced by more than the cost of the program.

Williams

Agnos

But there are growing questions whether that will ever occur. And there are worries that recipients will be no better off — perhaps worse off — as they are moved into low-paying clerical or fast-food jobs that require them to take on new transportation and child-care expenses.

GAIN participants are required to take a standardized test to determine their reading and math skills, and those who do poorly must return to school for as long as two years. The idea is that a basic level of competence is needed to be employable. During that time, GAIN pays child-care and transportation expenses.

State officials learned earlier this year that 57 percent of GAIN participants must undergo at least some remedial education — nearly three times the 20 percent estimated when the law was passed two years ago. That translates into increased costs and a longer wait for job placement. At the same time, officials learned that suitable child care costs more than they realized.

Planners originally estimated GAIN would cost $250 million a year when it got into full swing in 1991. But they now concede it could go to $500 million by 1991. Williams says $250.4 million is needed for the 1987-88 fiscal year, even

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though fewer than half the counties will be operating a GAIN program.

Deukmejian came up with additional money — an extra $44 million — in his May budget revision. "I was surprised how quickly it happened," said Williams. "It's an indication of just how supportive the administration is." But a legislative conference committee, also trying to comply with the governor's demand for a $1 billion cash reserve, knocked out $40 million earmarked for GAIN.

Planners say the cut could mean

McKeever

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new counties would have to be brought into GAIN more slowly. But Williams says he has no doubt Deukmejian will be willing to ask the Legislature for more money later this year if needed to keep GAIN on schedule.

"We were working with limited information," says Williams, explaining why the program is costing more than originally forecast. "There is no place in the country where anyone has tried a program with as many components." Even though welfare applicants have always had to fill out all kinds of forms, he says, the state didn't know for sure how many teenage mothers were out there. Since teen mothers are the hardest group to assimilate into the work force, that's an important fact to know when figuring how to run the program.

And, he says, it turned out education level didn't have much relationship to performance on skills tests — a woeful commentary on the state's school system.

Soon after GAIN became law, counties were asked to submit timetables for beginning operation. Thirty-three over-enthusiastic welfare directors reported they could begin operation by June 30, 1987. It turned out that 13 counties were on line and, except for Fresno and Santa Clara, most were small and rural.

Most of the larger counties, such as Los Angeles with 40 percent of the state's estimated 1.7 million parents and children living on welfare, do not expect to begin implementing GAIN until September 1988, the state-mandated deadline.

Williams said county welfare directors simply underestimated the complexity of coordinating child-care agencies, school districts, vocational trainers, transit systems and the multitude of other agencies that must be part of GAIN. Local officials, he said, are also learning that keeping track of recipients' participation in the program is complex, and new computer systems must be installed to do that properly.

The Legislature has taken the unusual step of appointing a 12-member joint oversight committee to keep track of GAIN's progress, and despite the budget cut, the program still enjoys — with vocal exceptions — legislative support.

Assemblyman Art Agnos, a San Francisco Democrat and one of the chief negotiators who put together GAIN, says he is even more enthusiastic about it now. "Participants are seeing it as a genuinely substantive program that can have an impact on their lives, rather than a temporary, make-work program," said Agnos, a former social worker. He says he was "deeply disappointed" that the legislative conference committee chopped this year's GAIN funding.

GAIN's chief legislative critics are Senators Bill Greene and Diane Watson, both Democrats who represent Los Angeles districts with significant numbers of welfare recipients. Both still oppose the requirement that welfare recipients can be required to work for their welfare checks.

"It doesn't really motivate people to work," Watson says. "There's still that escape hatch that a woman can have another baby." Watson says planners were too ambitious in launching a complex program in the nation's largest state without at least experimenting first in a few diverse counties.

Welfare-rights organizations opposed GAIN before it became law and most of them still oppose it.

"It will probably do what it was always expected to do: crowd the market for low-wage labor," said Casey McKeever, directing attorney in the Sacramento office of the Western Center on Law and Poverty.

Kevin Aslanian of the California Coalition for Welfare Rights agrees. He calls the program PAIN for "Painful Avenues to Nowhere."

Their worry is that recipients will be forced off welfare into jobs that leave them worse off. For example, a parent with two children can be eligible for a monthly welfare grant of $617, plus $99 worth of food stamps. Figuring in costs for child care, transportation, taxes and other payroll deductions, that parent would have to earn $9.25 an hour to maintain the same standard of living, according to figures compiled by the Alameda County Social Services Agency. A parent with one child would need to make $6.44 an hour to maintain her living standard. The minimum wage is $3.35 an hour.

Fresno County welfare director Ben Kelley, a vocal GAIN supporter, is impatient with criticism that people's lives are made worse if they must take a low-paying job. "The only way people are going to get into the mainstream is to be employed or in programs preparing them for employment," he said.

Continued on next page

GAIN participants

County name	GAIN start date	AFDC caseload	GAIN participants	GAIN participants who have found jobs
Fresno	6/86	24,122	9,369	305
Napa	7/86	1,087	345	33
Madera	9/86	2,416	956	246
Ventura	9/86	7,085	1,783	644
Kern	9/86	12,630	2,188	183
Stanislaus	10/86	10,633	1,619	309
Santa Clara	10/86	20,706	9,150	1,805
Yuba	11/86	2,630	623	120
San Mateo	11/86	3,860	772	109
Butte	1/87	4,824	736	15
Sutter	4/87	1,711	220	19
Merced	5/87	6,602	119	data not available
Shasta	6/87	4,833	data not available	data not available
Total:			**27,880**	**3,788**

Source: California Department of Social Services

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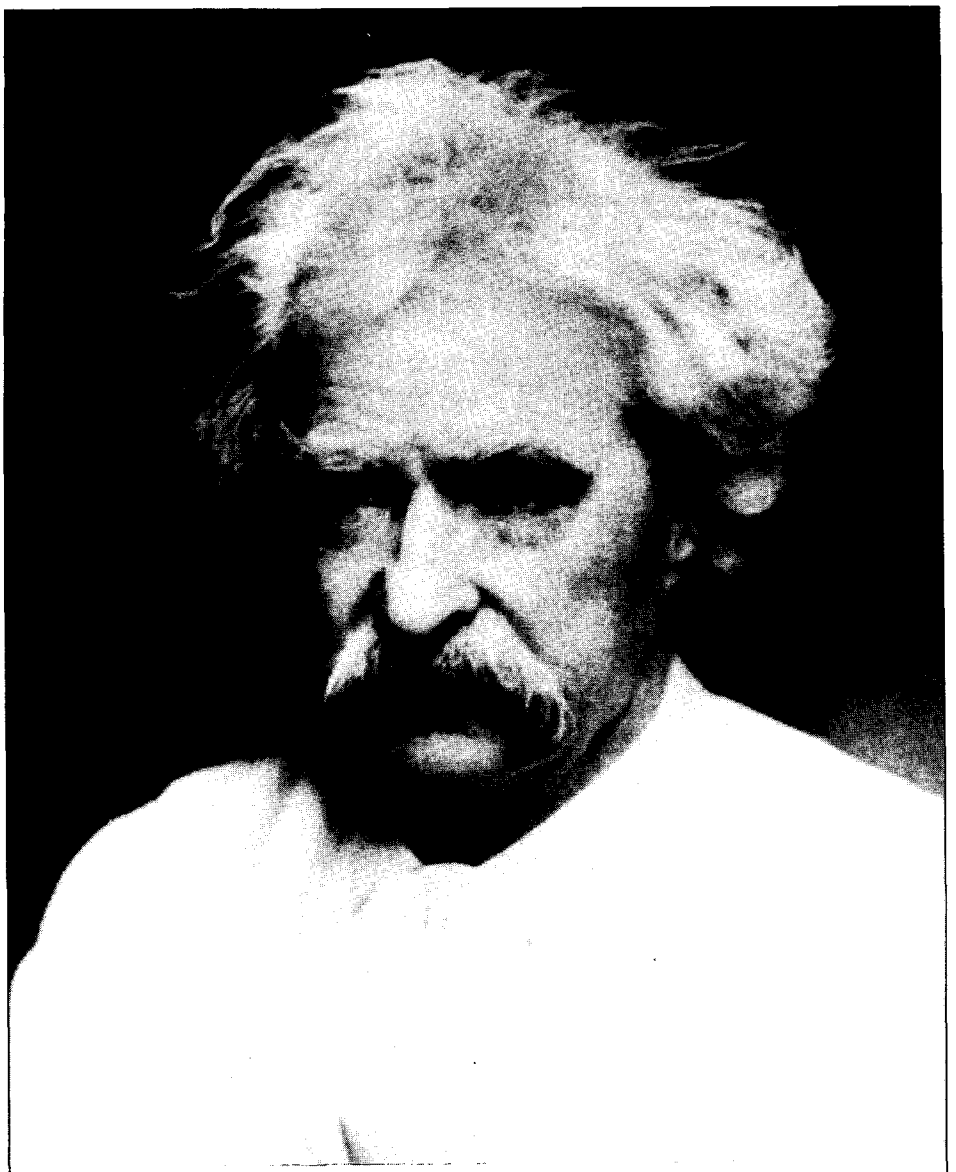

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"Everyone starts on the first rung. The alternative is totally unacceptable. Once they get jobs, they join the all-American work force."

Just the same, a welfare recipient who lands a $9-an-hour job is one that GAIN officials boast about. Most are lucky to be getting a $5-to-$6-an-hour job, officials say.

A provision of the GAIN law, written in at liberals' insistence, prevents welfare officials from forcing a recipient to take a job that leaves him worse off. But the welfare rights' groups say this law is being ignored.

In Fresno County, legal aid groups have sued the state to stop what they say is a practice of forcing recipients to take jobs that lower their current standard of living.

State GAIN chief Williams says the provision was never intended to apply to participants who have signed contracts for vocational training. Those participants, he says, know in advance what their starting wage is likely to be, and they must accept a job because the vocational trainer will not be paid unless they do. The case has not yet been heard by a judge.

Solid statistics on which to evaluate just how well GAIN is doing are hard to come by. Officials concede monthly reports submitted to the state by county welfare departments are often grossly inaccurate because officials haven't yet figured out how to fill out the forms.

Some welfare recipients are going to find work even if there never was a GAIN program. So to answer the question of which jobs GAIN can and cannot take credit for, the state will pay $8 million to $10 million over the next eight years to the respected Manpower Demonstration Research Corporation of New York. Williams says MDRC will compare GAIN job-hunting results with those of a control group of welfare recipients who didn't participate in GAIN.

While GAIN will always have its critics, among its most avid supporters are the participants who have found jobs. For example, Debbie Chapman, 29, lost her warehouse job in Marysville (Yuba County) in February when the company she worked for went out of business. She was on welfare until late spring when GAIN helped her land a $5.25-an-hour warehouse job at nearby Beale Air Force Base.

"It's a wonderful job, and I owe 95 percent of it to Bill," she said, referring to Simmons, Yuba County's motivator. "He wants to make you go out and get a job. He made me feel good about myself. He made me realize I could get a good job and last at it."

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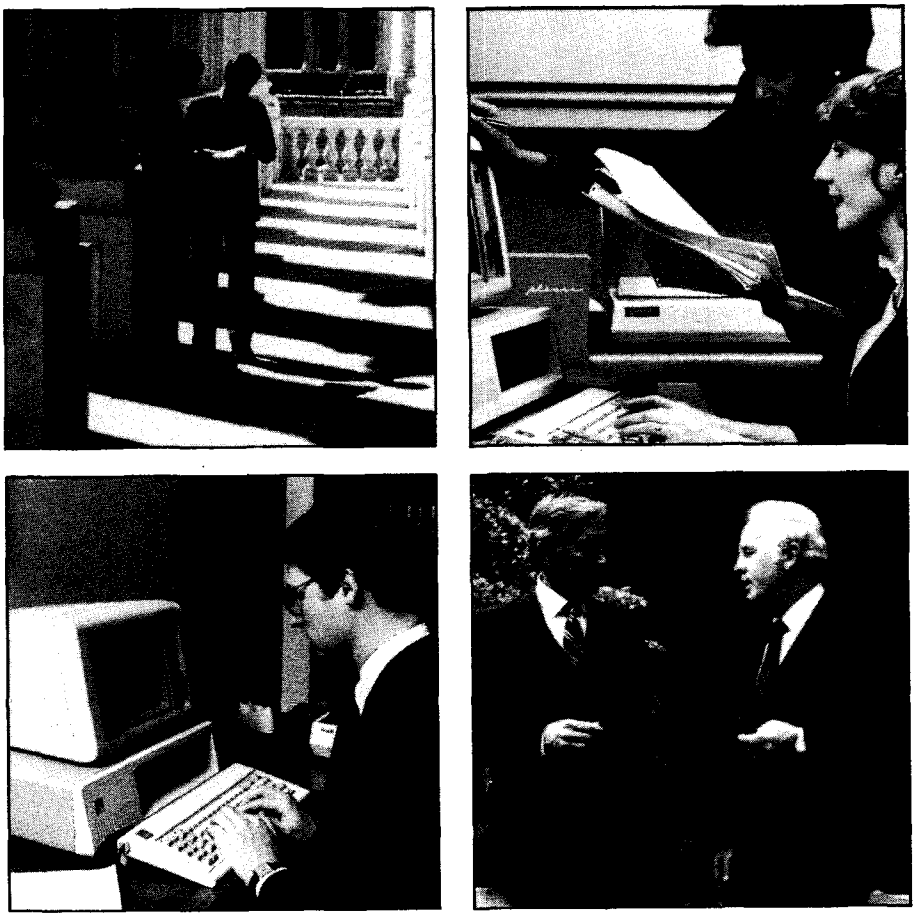

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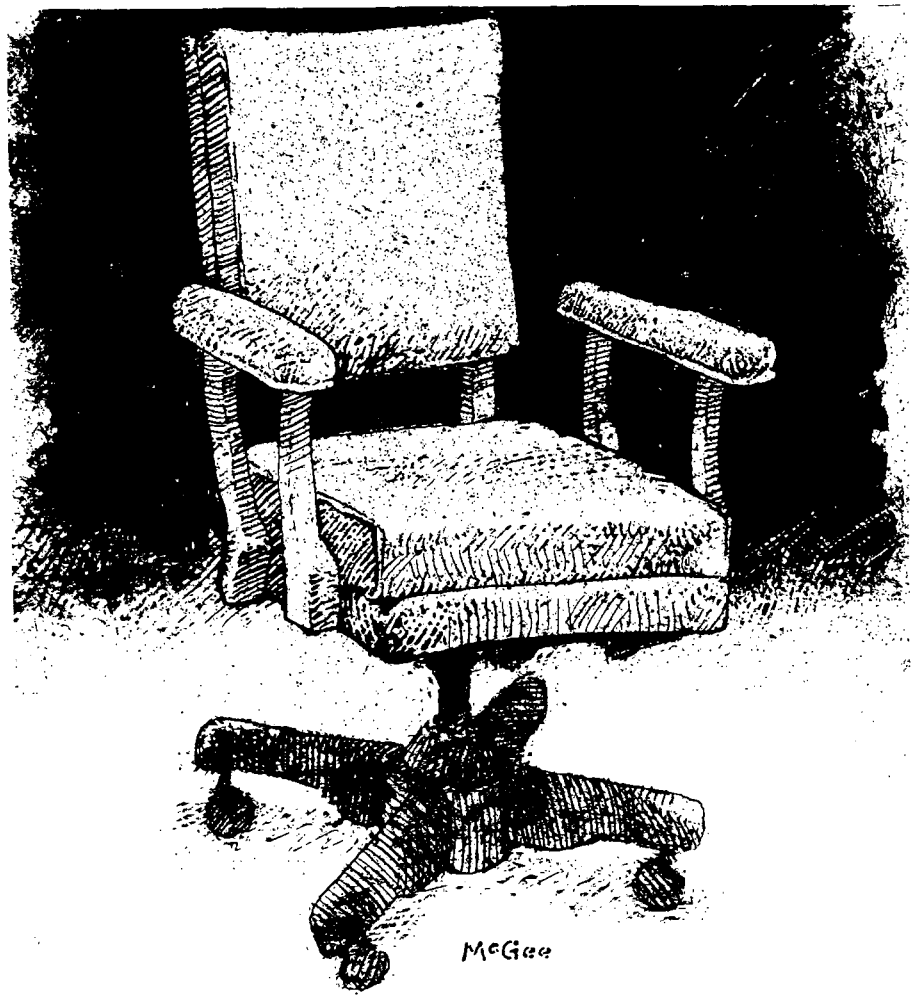

THE EMPTY CHAIR

Removing officials who can no longer serve

By MICHAEL DOYLE

A week before the June 1984 election, Manteca Police Lieutenant Ralph Jessee mailed a controversial brochure to San Joaquin County voters. Jessee, a candidate for marshal of the Manteca Municipal Court, charged incumbent Monte McFall with "being a part-time marshal at full pay." McFall, Jessee said, spent too much time lobbying for the state marshal's association and too little time managing court protection for the Central Valley towns of Manteca and Tracy.

"What we do not need is a man who spent 160 days this year alone out of the office," Jessee's brochure said.

Jessee won election to the $30,000-a-year job, but a twist of fate later caught him cruelly on the same absentee issue. Operated upon three times for a brain tumor, Jessee hasn't worked a day since May 1986. He remains, nonetheless, marshal in name and in pay, while his deputies undertake a rare legal maneuver to remove him from office.

Sick or disabled politicians are not something new to California politics. San Francisco Congresswoman Sala Burton and state Treasurer Jesse Unruh are two recent officials whose ill health was obvious during their final weeks and months. But both Burton and Unruh retained their titles until death, and they faced no public challenge to their continuing hold on office.

Public officials who don't regain their good health face several possible fates. They may hang on while the faceless bureaucracy grinds on in their absence. They can be forced out of office by the electoral process, or they may be encouraged to retire by close associates.

And, in extraordinary circumstances, sick politicians and judges can face expulsion through a variety of means.

For state judges, the Commission on Judicial Performance monitors jurists, may censure them and initiate removal

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Michael Doyle covers San Joaquin County for the Modesto Bee.

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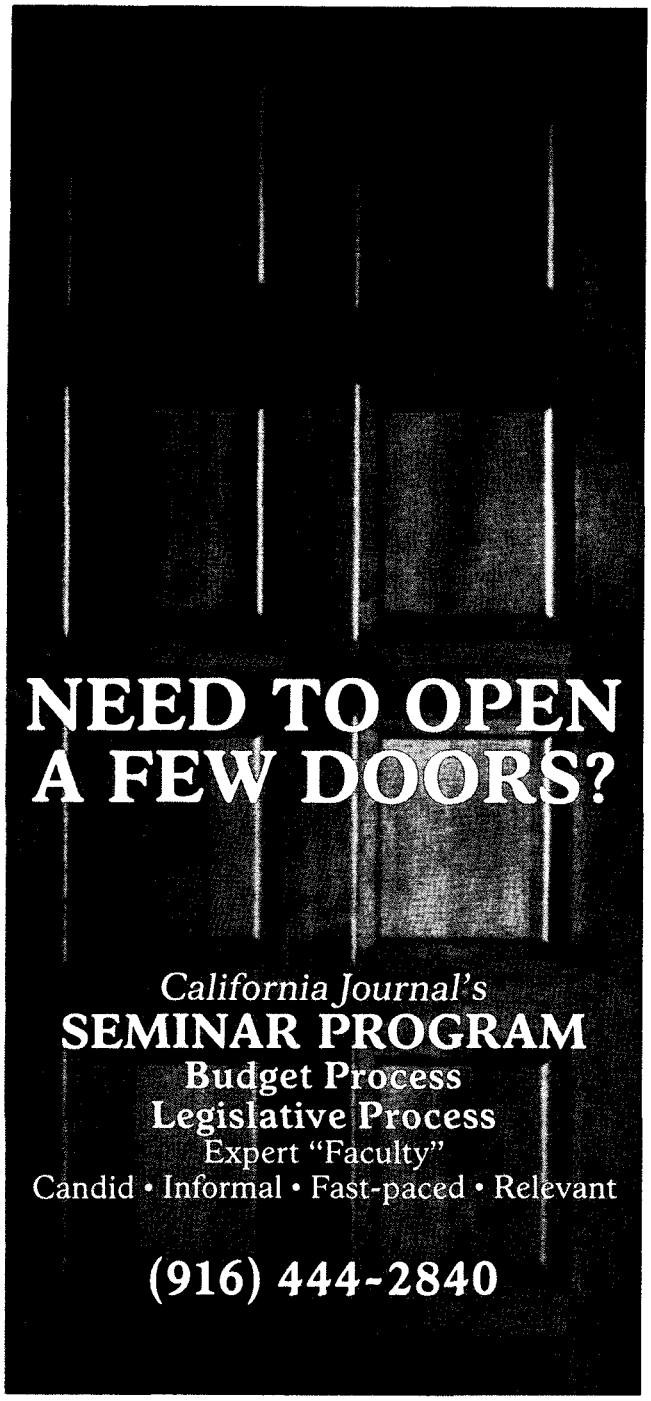

SCHEDULE

Sept. 25	**THE LEGISLATIVE PROCESS**	Sacramento
Oct. 9	**BILL TRACKING AND ANALYSIS**	Sacramento
Oct. 16	**THE HIDDEN LAWS... coping with California's regulatory process**	Sacramento
Nov. 6	**THE HIDDEN LAWS coping with California's regulatory process**	**Los Angeles**

proceedings against them. For local officials, there is a process called *quo warranto*.

In early August of this year, Ralph Jessee learned he faced *quo warranto* proceedings initiated by two of his deputies. The deputies, their legal costs supported by the San Joaquin County marshal's association, want Jessee either to return to work or to quit. If Jessee chooses to fight removal, his fitness for office could be decided by a San Joaquin County Superior Court judge.

For that to happen, the California attorney general's office must first grant permission for a civil suit. Such a suit would be a rare if not unprecedented use of the *quo warranto* proceeding to remove an allegedly disabled officeholder.

"I don't think we've ever had a case like this," Assistant Attorney General N. Eugene Hill said.

Quo warranto is actually a general legal proceeding designed to test whether an office is vacant or rightfully held. It has been used most often to check such things as whether an annexation election is valid. But in the case of a disabled politician, it tests whether the seat is vacant because of a disability.

State law cites 12 conditions under which an office becomes vacant, including a ruling from a *quo warranto* proceeding that the incumbent is physically or mentally incapacitated from doing the job and probably won't return to health.

Normally, the *quo warranto* process isn't needed because politicians must face election every two, four or six years and their mental and physical fitness for office faces a stiff challenge from opponents. This form of political Darwinism is supposed to ensure that the fittest will emerge and the sick will be weeded out before or during a campaign.

Remember former Republican U.S. Senator S.I. Hayakawa? By the time he was 76 years old and in the final year of his term, Hayakawa's age and declining vigor were big targets for opponents both inside and outside the party.

"When Hayakawa's awake, he's a breath of fresh air," Congressman Paul McCloskey was quoted as saying in 1981. In hardball politics, it was a perfect brush-back pitch, later taken up by other Republican activists. Hayakawa, of course, ended up leaving the race for the presumed good of the party.

The health of Jesse Unruh's predecessor, Ivy Baker Priest, likewise was an issue in the early 1970s. She told the *Los Angeles Times* in August 1974 that ill-health had only permitted her to work in her Sacramento office several weeks that year. Although she had raised some $100,000 for another race, she cited "persistent health problems" in her decision not to run again.

Sometimes the disability must show itself in a more vivid and public form before the politician gets the message.

In 1963 California Senator Clair Engle underwent two brain operations. Once a bluff and hearty man, Engle was left partially paralyzed and with impaired speech after the second operation. Other Democratic politicians — including an ambitious state controller by the name of Alan Cranston — maintained that Engle's secretiveness about his health was a bad sign. Engle, nonetheless, said he would run for a second term in 1964.

But on April 13, 1964, on the floor of the U.S. Senate, Engle ran right up against the stone wall of his disability. The *New York Times* reported it this way:

"The senator rose to his feet, assisted by two aides, stood silently for a minute and then uttered an unintelligible sound...after a few minutes, Senator Engle was virtually carried from the chamber by his aides."

Within two weeks, Engle announced he would not run for reelection.

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The electoral weeding-out can work for politicians because their terms in office are relatively short, and competitors aren't shy about putting a spotlight on infirmity. Judges, however, enjoy longer or lifetime terms and for them different methods for removal have arisen.

For federal judges, appointed for life, statutes permit complaints about disability to be filed with the clerk of the federal district court. The complaints may eventually be ruled upon by a nine-judge judicial council established in each federal circuit. The president of the United States then creates a new temporary slot and appoints a new judge, while allowing the disabled judge to retain his position until death or retirement.

"In effect, he acts as if there is a vacancy," said Brian Landsberg, a professor at the University of the Pacific's McGeorge School of Law in Sacramento. "I would think most people, if faced with that, would retire."

In California and other states, special commissions exist to monitor state judges. In 1960 California created the first such commission — the Commission on Judicial Qualification (since renamed the Commission on Judicial Performance). The nine-member commission has since had its powers expanded, but its basic purpose remains constant: to recommend for removal or censure judges found guilty of willful misconduct, failure to perform duties or to be medically incapacitated.

Prior to the commission, removal of a judge could only be accomplished by impeachment, recall, or concurrent resolution by the Legislature. In a 1976 article in the *Loyola Law Review*, author Wilbank Roche noted that the concurrent resolution was used once in California in 1936, recall used three times in 1932 and the last judicial impeachment occurred in 1929.

Since California's commission began, 81 judges have resigned or retired while under investigation. While misconduct of various kinds concerns the commission, health disorders appear to be the most common.

"There's always been a good percentage of these cases that involve disability problems," executive secretary Jack Frankel said.

Some judges, like politicians, quietly step down when their ill health becomes too burdensome. Others fight hard to retain their position, and that is when the work of the Commission on Judicial Performance becomes most poignant.

In the 1970s Charles Robert Roick served as a municipal court judge in San Diego County. On November 5, 1977, Roick was thrown from his cross-country motorcycle while riding with his three children. Though wearing a helmet, the 47-year-old Roick suffered serious injuries and was partially paralyzed on his right side.

In the months following the accident, the municipal court's workload grew ever more jammed, but Roick showed signs neither of recovery nor of returning. Following an initial investigation by Frankel, the judicial oversight commission recommended that Roick be retired for disability.

"There was some question about his competency to act," Frankel said.

On December 6, 1978, more than a year after the accident, the state Supreme Court adopted the commission's recommendation and retired Roick.

The Roick case offers both unique and typical aspects. Common among many public figures is an unwillingness to acknowledge infirmity.

"The pattern there is denial," Frankel said. "There's a coming together, a circling of the wagons."

Continued on next page

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In Roick's case, this denial ended with the Supreme Court's decision. A still more prominent case involved state Supreme Court Justice Marshall F. McComb in the mid-1970s.

In 1976, prompted by the Lawyers Club of San Francisco, what was then called the Commission on Judicial Qualifications began investigating McComb's health and behavior. McComb, then 81, was noted to have disrupted appellate court hearings, fallen asleep while on the bench and failed to take part in judicial conferences.

McComb fought the charges all the way, demonstrating remarkable legal vigor given the charges against him. He challenged the legality of the commission, and said his fellow Supreme Court justices should not have the right to vote on his removal. Only impeachment proceedings through the state Legislature would be a proper means of removal, McComb's attorney argued.

McComb's arguments did not ultimately save him, but they did help change how the state handles such cases. In 1976, in the midst of the McComb case, California voters approved Proposition 7 which changed the judicial oversight group's name to the Commission on Judicial Performance, established a special tribunal of appellate court judges to review cases involving members of the Supreme Court, and specified "persistent inability" as grounds for removal.

On May 3, 1977, that special tribunal ruled that McComb was senile and hence unable to perform his duties. The tribunal, in wording that ensured McComb would retain his $31,000 annual pension, stated that he "shall be considered to have retired voluntarily."

For Manteca Marshal Ralph Jessee, no such euphemism is possible. Either he returns to work, steps down on his own accord, or — in what appears to be a landmark case — will have a judge rule thumbs up or down on his political life.

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BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 372,145 valid signatures; constitutional amendments require 595,485. In parentheses is the deadline for sponsors to submit signatures to county clerks, and the issue of California Journal *that contains a full explanation of each measure. Regardless of the date shown, signatures must be submitted by November 19, 1987, for any measure to qualify for the June 1988 ballot.*

New in circulation:

APPROPRIATION LIMIT — an initiative constitutional amendment, sponsored by Paul Gann of Carmichael, that will exclude fuel tax revenues and a proposed 3 percent of the total General Fund budget reserve from the Gann limit. It will a so provide that funds brought in from sales and use taxes on motor vehicle fuels can only be used for streets, highways and mass-transit guideways. Among other things, it requires a two-thirds vote of the Legislature or majority vote of the public before fuel taxes can be raised. (February 1, 1988)

CAMPAIGN FUNDING — an initiative statute, sponsored by independent state Senator Quentin Kopp of San Francisco, Democratic state Senator Joseph Montoya of Whittier and Republican Assemblyman Ross Johnson of Fullerton, that will limit political contributions to candidates to $1000 from each person, $2500 from each political committee and $5000 from each political party and "broad based political committee." It will also limit gifts and honoraria to $1000 per year from any one source, ban transfers of campaign funds between candidates and their controlled committees and prohibit the use of public money to finance campaigns. (January 8, 1988)

TORT CLAIMS, LIMITS ON ATTORNEY FEES — an initiative statute, sponsored by Gene Livingston of Davis and former Deukmejian cabinet official Kirk West of Sacramento, that will limit the amount of a contingency fee an attorney may collect for representing a person in connection with a tort claim to 25 percent of the first $50,000 recovered, 15 percent of the next $50,000 and 10 percent of any amount above $100 000. (January 11, 1988)

STATE INCOME TAX REBATE — an initiative statute, sponsored by Republican Assemblymen Tom McClintock of Newbury Park and Richard Mountjoy of Monrovia and Republican state Senator Don Rogers of Bakersfield, that will establish a tax-rebate system to return to taxpayers those revenues in excess of the state's Gann appropriations limit. Revenues from 1986-87 would be returned through a personal income tax rebate of 15 percent of 1986 taxes, up to a maximum of $300. (January 15, 1988)

STATE AND LOCAL APPROPRIATIONS LIMIT ADJUSTMENT — an initiative constitutional amendment, sponsored by the League of Women Voters, California Teachers Association and Peace Officers Research Association of California, that will change the formulas upon which the Gann appropriations limit is based. In addition, it mandates an annual report to taxpayers accounting how state revenues were received and spent during the preceding fiscal year and the amount of appropriation subject to the Gann limit. (January 21, 1988)

APPROPRIATIONS LIMIT ADJUSTMENT — an initiative constitutional amendment, also sponsored by the League of Women Voters, California Teachers Association and Peace Officers Research Association of California, that is similar to the preceding measure except that it exempts motor vehicle and fuel taxes from the appropriations limit. (January 21, 1988)

CAMPAIGN FINANCING — an initiative statute, sponsored by Republican Congressman William Thomas of Bakersfield and former Fair Political Practices Commission Chairman Dan Stanford of Solana Beach, that will limit individuals' contributions to candidates for state office to $1000 and organizations' contributions to $2500 per election. It also limits contributions between political parties and candidates and campaign committees, requires that a majority of a candidate's contributions come from within the candidate's district, prohibits transfers of funds between candidates and/or their committees, bans "involuntary" taxpayer funding, and limits honoraria. (January 29, 1988)

Continuing in circulation:

STREETS AND HIGHWAY FUNDING — an initiative constitutional amendment sponsored by Paul Gann of Carmichael and Republican Assemblywoman Doris Allen of Cypress. (September 17, 1987; June 1987 *CJ*)

FAMILIES — an initiative constitutional amendment sponsored by Stephen Konnoff of Sacramento. (September 21, 1987; June 1987 *CJ*)

WILDLIFE, COASTAL, AND PARK LAND CONSERVATION BOND ACT — an initiative statute, sponsored by Californians for Parks & Wildlife. (November 11, 1987; August 1987 *CJ*)

AIDS — an initiative statute, sponsored by Brian Lantz and Khushro Ghandi of Livermore. This proposal is sponsored by proponents of, and is similar to, Proposition 64, which was defeated during the November 1986 election. (November 19, 1987; August 1987 *CJ*)

OCEAN NET FISHING — an initiative constitutional amendment, sponsored by Kenneth Kukuda of Santa Ana. (November 27, 1987; August 1987 *CJ*)

LEGISLATIVE OFFICES AND CAMPAIGN FUNDS — an initiative constitutional amendment, sponsored by Paul McCauley of Los Angeles and Don Floyd of San Diego. (December 14, 1987; September 1987 *CJ*).

LAW ENFORCEMENT FUNDING — an initiative constitutional amendment, sponsored by Secretary of State March Fong Eu. This is the so-called "Dimes against Crime" initiative. (December 18, 1987; September 1987 *CJ*).

PROPOSITIONS. YEAR-ROUND VOTING. PROXY VOTING — an initiative constitutional amendment, sponsored by Matt Dillon of Sacramento. (December 21, 1987; September 1987 *CJ*).

INCOME TAX — an initiative statute, sponsored by Paul McCauley of Los Angeles. (December 21, 1987; September 1987 *CJ*).

TRANSPORTATION REVENUE — an initiative constitutional amendment, sponsored by Republican Assemblywoman Doris Allen of Cypress. (January 7, 1988; September 1987 *CJ*).

Source: Secretary of State's office

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ROLL CALL

WORKING CONDITIONS
AB 435 (Floyd) Would make it a misdemeanor for any employer or supervisor who knowingly or negligently maintains working conditions which expose employees to serious physical harm. Floyd argues the measure is necessary because of the phasing out of Cal-OSHA. Passed the Senate September 3rd, 21-12.

SUPER COLLIDER CONTRACTS
AB 1752 (Farr) Outlines minority participation goals for all contracts the state enters into relating to the Super Collider. The bill eliminated all contingencies surrounding California's bid for the $44 billion federal project. Passed the Senate September 2nd, 30-2. Passed the Assembly September 2nd, 43-31. Chaptered.

AIDS EDUCATION
SB 136 (Hart) Would require public school districts to, at a very minimum, show an AIDS education film to all junior and senior high students every year for the next three years, and provides $337,000 to pay for the films. Passed the Assembly August 27th, 44-29. Passed the Senate August 31st, 30-4.

TRANSIT TAX
SB 142 (Deddeh) Would allow any county, with voter approval, to raise the sales tax for road and transit funds. Gov. George Deukmejian said he wanted such a bill as an alternative to a series of measures to give individual counties those powers. Passed the Assembly August 31st, 69-10. Passed the Senate September 2nd, 24-7.

SUPER COLLIDER BONDS
SB 566 (McCorquodale) Provides for the sale of $560 million in revenue bonds to finance California's proposal to build the $44 billion Superconducting Super Collider. Passed the Senate September 2nd, 34-0. Passed the Assembly September 2nd, 60-11. Chaptered.

AIDS TESTING
SB 1001 (Doolittle) Would require physicians to offer an AIDS antibody test to individuals seeking a marriage license. Physicians would have to sign the marriage license application stating that an AIDS test was offered before a county clerk could issue a license. Passed the Assembly September 1st, 64-2. Passed the Senate September 2nd, 31-2.

SMOKING ON PUBLIC TRANSIT
SB 1067 (Petris) Would ban all smoking on airplanes, trains and buses traveling within California; require at least 75 percent of bus, airline and train waiting rooms be set aside for non-smokers; and require all modes of public transportation to post "no smoking" signs. Passed by the Assembly September 3rd, 46-24.

SENATE

Democrats	AB 435	AB 1752	SB 136	SB 142	SB 566	SB 1001
Alquist	Y	Y	Y	Y	Y	Y
Ayala	Y	Y	Y	Y	Y	Y
Boatwright	Y	Y	Y	•	•	•
Deddeh	Y	Y	Y	Y	Y	Y
Dills	Y	Y	Y	N	Y	Y
Garamendi	Y	Y	Y	Y	Y	Y
C. Green	Y	Y	Y	Y	Y	Y
B. Greene	Y	Y	•	•	Y	Y
L. Greene	Y	Y	Y	Y	Y	Y
Hart	Y	Y	Y	•	•	Y
Keene	Y	Y	•	Y	Y	Y
Lockyer	•	Y	Y	Y	Y	Y
Marks	Y	Y	Y	Y	Y	N
McCorquodale	Y	Y	Y	N	Y	•
Mello	Y	•	Y	•	•	•
Montoya	•	•	•	•	•	•
Petris	Y	•	Y	•	Y	Y
Presley	N	Y	Y	Y	Y	Y
Robbins	Y	Y	Y	Y	Y	Y
Roberti	Y	Y	Y	Y	Y	Y
Rosenthal	Y	Y	Y	N	Y	N
Torres	Y	Y	Y	Y	Y	Y
Vuich	Y	Y	Y	Y	Y	Y
Watson	Y	•	•	N	•	•

Republicans	AB 435	AB 1752	SB 136	SB 142	SB 566	SB 1001
Bergeson	N	Y	Y	Y	Y	Y
Beverly	N	Y	Y	Y	Y	Y
Campbell	N	Y	•	Y	Y	•
Craven	•	Y	Y	Y	Y	Y
Davis	N	Y	Y	Y	Y	Y
Doolittle	N	N	N	N	Y	Y
Ellis	N	Y	N	Y	Y	Y
Maddy	•	Y	Y	•	Y	Y
Morgan	N	•	Y	Y	Y	Y
Nielsen	•	Y	Y	Y	Y	Y
Richardson	•	•	•	•	•	•
Rogers	N	•	N	N	Y	Y
Royce	•	N	N	N	Y	Y
Russell	N	Y	Y	•	Y	Y
Seymour	N	•	Y	Y	Y	Y

Independent

Kopp	N	Y	Y	Y	Y	Y

ASSEMBLY

Democrats	AB 1752	SB 136	SB 142	SB 566	SB 1001	SB 1067
Agnos	•	Y	Y	•	Y	Y
Areias	Y	Y	Y	Y	Y	N
Bane	Y	Y	Y	Y	Y	Y
Bates	Y	Y	Y	N	Y	Y
Bronzan	Y	Y	Y	•	Y	Y
W. Brown	Y	Y	Y	Y	Y	Y
Calderon	Y	Y	Y	•	Y	Y
Campbell	Y	Y	Y	Y	•	Y
Chacon	Y	Y	Y	Y	Y	N
Clute	Y	Y	Y	Y	Y	Y
Condit	Y	•	Y	N	Y	N
Connelly	Y	Y	Y	Y	Y	Y
Cortese	Y	N	Y	Y	Y	Y
Costa	Y	N	Y	Y	Y	Y
Eastin	Y	Y	Y	Y	Y	Y
Eaves	Y	Y	Y	N	Y	N
Elder	Y	Y	Y	•	Y	N
Farr	Y	Y	Y	Y	•	Y
Floyd	•	Y	Y	•	•	N
Friedman	Y	Y	Y	N	•	Y
Hannigan	Y	Y	Y	Y	Y	Y
Harris	Y	Y	Y	N	Y	Y
Hauser	Y	Y	Y	Y	Y	Y
Hayden	Y	Y	Y	Y	Y	Y
Hughes	Y	Y	Y	N	Y	Y
Isenberg	Y	Y	Y	N	Y	Y
Johnston	Y	Y	Y	Y	Y	Y
Katz	Y	Y	Y	Y	Y	Y
Killea	Y	Y	Y	Y	Y	Y
Klehs	Y	Y	Y	Y	Y	Y
Margolin	Y	Y	Y	Y	•	Y
Moore	Y	Y	Y	Y	Y	N
O'Connell	Y	Y	Y	Y	•	Y
Peace	Y	•	Y	•	Y	•
Polanco	Y	Y	Y	Y	•	•
Roos	Y	Y	Y	Y	Y	Y
Roybal-Allard	Y	Y	Y	N	•	Y
Sher	Y	Y	Y	Y	Y	Y
Speier	Y	Y	Y	•	Y	Y
Tanner	Y	Y	Y	Y	Y	N
Tucker	Y	Y	Y	Y	Y	N
Vasconcellos	Y	Y	Y	Y	•	Y
M. Waters	Y	Y	Y	Y	N	•
N. Waters	Y	•	Y	Y	Y	•

Republicans	AB 1752	SB 136	SB 142	SB 566	SB 1001	SB 1067
Allen	N	•	Y	Y	Y	N
Bader	N	Y	Y	Y	Y	N
Baker	N	N	Y	Y	Y	N
Bradley	N	N	Y	Y	Y	•
D. Brown	•	N	N	•	Y	Y
Chandler	N	N	Y	Y	Y	N
Duplissea	N	N	Y	Y	Y	N
Felando	N	•	N	Y	•	Y
Ferguson	N	N	N	Y	Y	Y
Filante	N	Y	Y	Y	•	Y
Frazee	N	N	Y	Y	•	Y
Frizzelle	N	N	N	N	Y	Y
Grisham	•	N	Y	Y	Y	N
Hansen	N	Y	Y	N	Y	Y
Harvey	N	N	Y	Y	Y	N
Hill	N	N	•	N	•	Y
Johnson	•	N	N	Y	Y	Y
Jones	N	N	Y	Y	Y	N
Kelley	N	N	Y	Y	Y	•
LaFollette	N	N	Y	Y	Y	Y
Lancaster	N	N	Y	Y	Y	N
Leonard	N	N	Y	Y	Y	Y
Leslie	N	N	Y	Y	Y	N
Lewis	N	N	N	N	Y	•
Longshore	N	N	N	Y	Y	N
McClintock	N	N	N	Y	Y	N
Mojonnier	N	•	Y	Y	Y	•
Mountjoy	N	N	N	Y	Y	N
Nolan	N	N	N	Y	Y	Y
Quackenbush	N	Y	Y	Y	Y	Y
Seastrand	•	•	Y	•	•	•
Statham	N	Y	Y	Y	Y	Y
Stirling	N	N	Y	Y	Y	Y
Wright	N	N	Y	Y	Y	N
Wyman	N	N	Y	Y	Y	N
Zeltner	Y	N	Y	Y	Y	•

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"Le Tricheur à l'as de carreau" by Georges de La Tour (1593-1652). Musée du Louvre, Paris. Cards, top row: Two Chinese "domino" cards, a card used in the Japanese "karuta" game, and a card by the German publisher Cotta, 1810. Bottom row: From China, a "mah-jong" and two "shih-hu p'ai" cards. German Playing Card Museum, Leinfelden-Echterdingen.

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Reagan, the conservative

"Let Reagan be Reagan!" It has become a favorite rallying cry of the Republican right wing, a slogan that implies the president's boldly conservative instincts are being stifled by the dreaded pragmatists who surround him at the White House.

THE SLOGAN HAS ECHOED THROUGH the Reagan years in Washington, as groups opposed to abortion and supporting prayer in schools have been appalled to find their divisive issues put on the political "back burner."

The conservative complaints have grown in volume in recent months, as some of the Republicans who hope to succeed Reagan have attempted to dramatize their own conservatism by suggesting the president has gone mushy on arms control or support for the Contras.

Representative Jack Kemp of New York has been the most eager among the Republican contenders to advance such criticism. It may help Kemp in his uphill effort to solidify a political base among staunch conservatives. But Kemp could be faulted for implying, as liberals so often do, that Reagan is an amiable old bumbler who is pushed whichever way his advisers, his pollsters and his wife want him to go.

There has also been some grumbling lately among hard-right conservatives that the White House seemed gutless in promoting Robert Bork for the Supreme Court as a responsible, scholarly moderate instead of championing him openly as a paragon of staunch conservatism on such issues as abortion and pornography.

But some who know Ronald Reagan doubt the assumption behind the pleas to "let Reagan be Reagan." They say it is just not true that Reagan's unfettered and spontaneous instinct on every issue would be to go as far right as possible.

"Ron is sort of a moderate conservative," said Bill Roberts, the veteran Los Angeles political consultant who was one of the managers of the 1966 campaign that made Reagan governor of California. "He never has been a right winger. As a matter of fact, he dislikes them privately because they want to push him into such extreme positions. He's very uncomfortable dealing with them."

Rabid conservatives were banished from any visible role when the former movie actor first ran for governor, Roberts recalled.

"He understood it," Roberts said of that strategy. "He did not fight it. The only conservatives who got involved were conservatives who were not outspoken and did not have labels as being right wing and extreme in their views."

Twenty-one years later, Roberts has followed the same strategy in running a pro-Bork campaign organization based in California. Strident conservatives have been invited to stay out so that the group can appeal to mainstream sentiment.

Of course, none of this is to suggest for a moment that the private Ronald Reagan is a philosophical soul-mate of Teddy Kennedy and Gloria Steinem.

Despite his earlier years as a New Deal Democrat, Reagan entered politics as a pitchman for the doomed Republican presidential campaign of Barry Goldwater, the patron saint of modern conservatism. He has never changed in his disgust for big government at home and appeasement of the Communists abroad.

Even in those areas, however, he has shown an ability to compromise that rankles his staunchest conservative followers. Some of them still can't believe that the president who signed historic tax cuts then turned around and accepted a package of tax increases. Some of them, including Kemp, have already denounced the very possibility that he will seek a place in the history books as the hawkish president who signed an arms-control agreement with the Soviet Union.

Reagan's depth of commitment to conservative dogma becomes especially unclear on the so-called "social issues." Despite his fiery once-a-year speeches against abortion, it sometimes seems uncertain whether his heart is in the moral crusades of the New Right.

As governor, he signed a bill with loopholes that permitted abortions on a massive scale, although he later said he had not anticipated the results. As governor, he supported the Equal Rights Amendment that he later opposed. As ex-governor, he opposed the Briggs Initiative in 1978 that called for the firing of gay schoolteachers.

A backer of prayer in school, this is a president who seldom bothers to go to church or convene religious services in the White House.

An enthusiast for wholesome traditional values, this is a divorced man whose relations with his children have been decidedly rocky and who spent years in the loose and easy climate of Hollywood.

Reagan became governor at the urging and with the financial help of a group of *nouveau-riche* Southern California businessemen who made their fortunes selling cars and hawking Tupperware. These members of Reagan's "kitchen cabinet" cared above all for two things — promoting the free enterprise system under which they had prospered and fending off the worldwide advances of Communists.

In 1985 I sat in the Los Angeles office of Justin Dart, the drug store and Tupperware tycoon who was one of the leaders of the "kitchen cabinet." After excusing himself to take a call from his old friend, the president, the aging entrepreneur gave me a characteristically blunt assessment of the impassioned New Right types who were pushing the president to do more about social issues.

"I THINK ABORTION AND GUN CONTROL and all those issues are more or less trivia," he boomed. "The one issue that confronts us today is survival — survival of a free people and a free economy. I say survival, survival, survival, survival is the name of the game."

Dart is no longer alive, but his political protege may still ponder that assessment of the New Right agenda as he sits in the Oval Office.

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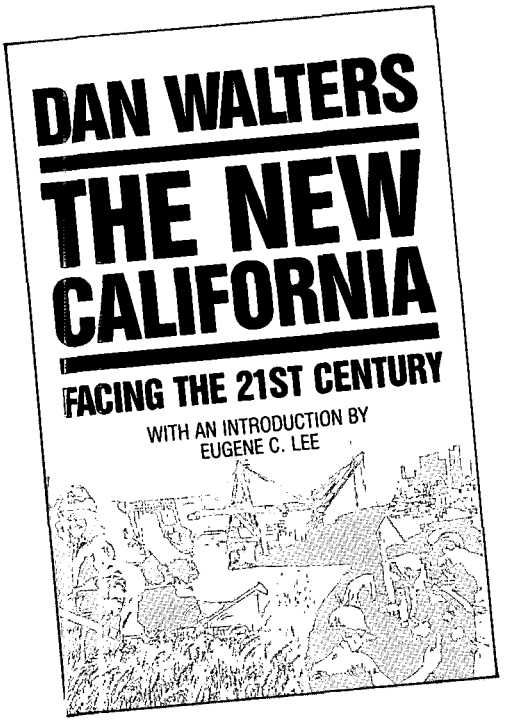
BOOKS FROM CALIFORNIA JOURNAL



The New California — Facing the 21st Century

by Dan Walters
with an introduction
by Eugene C. Lee

The *Sacramento Bee's* well-known political correspondent, Dan Walters, recently completed a 9000-mile odyssey through California's 58 counties which resulted in a 15-part series in the *Bee.* The articles describe the socioeconomic future of the nation's largest state and the political implications of these trends. This lively and insightful series is now available in book form. The 180-page book contains numerous charts with detailed political and demographic data. Price: $8.95.

Guide to Government *by League of Women Voters.* This 13th quadrennial edition is a comprehensive guide to the structure and functions of government in California, containing sections on the Constitution, citizen participation, the three branches of government, the five state agencies and boards and commissions, education, local government and the budget. The 173-page book contains information through 1985. **Special Discount:** the regular list price is $8.95 but *California Journal* readers may purchase the book for $7.95.

California's Legislature *by James Driscoll.* This is a 256-page comprehensive book on the state's Legislature with six chapters covering every aspect of the institution in detail. This latest edition has been completely revised to include data through the 1986 session. Other chapters cover the executive and judicial branches, constitutional history, election law, media, the Capitol building and numerous appendices with statistical data and information on the flags of California, seals, the governor's mansion and the origin of California place names. 1986, 6x9″, 256 pages, paperbound, $3.95.

Reporting: An Inside View, *by Lou Cannon.* How many of us know what really goes on behind the scenes in the complex process that determines what is and what isn't fit to print? Anyone interested in the workings of the press during the post-Watergate era will find *Reporting: An Inside View* fascinating reading. 1977. 6 x 9″, 308 pages. $9.95 cloth, $4.95 paper.

California Government and Politics Annual, 1987-88. Published every year, the *Annual* consists of reprints of *California Journal* articles covering the various branches of government, elections, political reform, lobbying, finance, local government, the environment and much more. The book also includes a "Quick Guide to California Government and Politics." 8½ x 11″, 128 pages. $5.95 paper.

California Public Administration *by T. Anthony Quinn and Ed Salzman.* First published in 1978, this book has become a basic resource for students of California's system of government and for individuals who want to learn about the inner workings of the state bureaucracy. This second edition contains a large new section on the California tax revolt and the impact of Proposition 13. Sections are included on the top executives, the regulatory agencies, the Legislature, the judicial system, education and the bureaucracy. The book also contains diagrams showing the legislative process, the court system and the state's administrative agencies. 1982, 8½ x 11″, 112 pages, $4.95 paper.

The California Oath Controversy *by David P. Gardner.* The fascinating account of the 1949-1952 loyalty-oath controversy at the University of California, "a nadir in the history of American academic freedom." Hard cover, 329 pages, 1967. List price: $16.50. New discount price: $4.95.

Cartoon History of California Politics, *by Ed Salzman* and *Ann Leigh Brown.* An entertaining history of the state as drawn by political cartoonists from Nast to Conrad. This handsomely-bound book contains 119 cartoons, most of them covering a full page. An ideal gift for yourself or a friend. 1978, 8 x 8″, 156 pages, paperback. New discount price: $3.95.

Almanac of California Government and Politics, 1987-88, fifth edition. Contains 192 photographs and biographies of the state's leaders, maps, historical information on all branches of state government, election statistics and population information, and much more. 5½ x 8½″, 200 pages. $8.95.

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